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RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA v. CARL KRAUCH ET AL. (CASE VI)

AUGUST 14, 1947-JULY 30, 1948

Roll 11

Transcript Volumes (English Version)

Volumes 29-31, p. 10,209-11,338

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INTRODUCTION

On the 113 rolls of this microfilm publication are reproduced the records of Case VI, *United States of America v. Carl Krauch et al.* (I. G. Farben Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal (IMT) held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs and statements, and defendants' final pleas as well as prosecution and defense exhibits and document books in one language or the other. Also included are minute books, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 43 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. Prosecution statements and briefs are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. Unbound prosecution exhibits, numbered 1-2270 and 2300-2354, are essentially those documents from various Nuernberg record series, particularly the NI (Nuernberg Industrialist) Series, and other sources offered in evidence by the prosecution in this case. Defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically, along with two groups of exhibits submitted in the general interest of all defendants. Both prosecution and defense document books consist of full or partial translations of exhibits into English. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

Minute books, in two bound volumes, summarize the transcripts. The official court file, in nine bound volumes, includes the progress docket, the indictment, and amended indictment and the service thereof; applications for and appointments of defense counsel and defense witnesses and prosecution comments thereto; defendants' application for documents; motions and reports; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Defendants' clemency petitions, in three bound volumes, were directed to the military governor, the Judge Advocate General, and the U.S. District Court for the District of Columbia. The finding aids summarize transcripts, exhibits, and the official court file.

Case VI was heard by U.S. Military Tribunal VI from August 14, 1947, to July 30, 1948. Along with records of other Nuernberg

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

and Far East war crimes trials, the records of this case are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The I. G. Farben Case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weissaecker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the IMT against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943; Executive Order 9547 of May 2, 1945; the London Agreement of August 8, 1945; the Berlin Protocol of October 6, 1945; and the IMT Charter.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. Procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the IMT and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Formation of the I. G. Farben Combine was a stage in the evolution of the German chemical industry, which for many years led the world in the development, production, and marketing of organic dyestuffs, pharmaceuticals, and synthetic chemicals. To control the excesses of competition, six of the largest chemical firms, including the Badische Anilin & Soda Fabrik, combined to form the Interessengemeinschaft (Combine of Interests, or Trust) of the German Dyestuffs Industry in 1904 and agreed to pool technological and financial resources and markets. The two remaining chemical firms of note entered the combine in 1916. In 1925 the Badische Anilin & Soda Fabrik, largest of the firms and already the majority shareholder in two of the other seven companies, led in reorganizing the industry to meet the changed circumstances of competition in the post-World War markets by changing its name to the I. G. Farbenindustrie Aktiengesellschaft, moving its home office from Ludwigshafen to Frankfurt, and merging with the remaining five firms.

Farben maintained its influence over both the domestic and foreign markets for chemical products. In the first instance the German explosives industry, dependent on Farben for synthetically produced nitrates, soon became subsidiaries of Farben. Of particular interest to the prosecution in this case were the various agreements Farben made with American companies for the exchange of information and patents and the licensing of chemical discoveries for foreign production. Among the trading companies organized to facilitate these agreements was the General Anilin and Film Corp., which specialized in photographic processes. The prosecution charged that Farben used these connections to retard the "Arsenal of Democracy" by passing on information received to the German Government and providing nothing in return, contrary to the spirit and letter of the agreements.

Farben was governed by an Aufsichtsrat (Supervisory Board of Directors) and a Vorstand (Managing Board of Directors). The Aufsichtsrat, responsible for the general direction of the firm, was chaired by defendant Krauch from 1940. The Vorstand actually controlled the day-to-day business and operations of Farben. Defendant Schmitz became chairman of the Vorstand in 1935, and 18 of the other 22 original defendants were members of the Vorstand and its component committees.

Transcripts of the I. G. Farben Case include the indictment of the following 24 persons:

Otto Ambros: Member of the Vorstand of Farben; Chief of Chemical Warfare Committee of the Ministry of Armaments and War Production; production chief for Buna and poison gas; manager of Auschwitz, Schkopau, Ludwigshafen, Oppau, Gendorf, Dyhernfurth, and Falkenhagen plants; and Wehrwirtschaftsfuehrer.

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Max Brueggemann: Member and Secretary of the Vorstand of Farben; member of the legal committee; Deputy Plant Leader of the Leverkusen Plant; Deputy Chief of the Sales Combine for Pharmaceuticals; and director of the legal, patent, and personnel departments of the Works Combine, Lower Rhine.

Ernst Buergin: Member of the Vorstand of Farben; Chief of Works Combine, Central Germany; Plant Leader at the Bitterfeld and Wolfen-Farben plants; and production chief for light metals, dyestuffs, organic intermediates, plastics, and nitrogen at these plants.

Heinrich Buetefisch: Member of the Vorstand of Farben; manager of Leuna plants; production chief for gasoline, methanol, and chlorine electrolysis production at Auschwitz and Moosbierbaum; Wehrwirtschaftsfuehrer; member of the Himmler Freundeskreis (circle of friends of Himmler); and SS Obersturmbannfuehrer (Lieutenant Colonel).

Walter Duerrfeld: Director and construction manager of the Auschwitz plant of Farben, director and construction manager of the Monowitz Concentration Camp, and Chief Engineer at the Leuna plant.

Fritz Gajewski: Member of the Central Committee of the Vorstand of Farben, Chief of Sparte III (Division III) in charge of production of photographic materials and artificial fibers, manager of "Agfa" plants, and Wehrwirtschaftsfuehrer.

Heinrich Gattineau: Chief of the Political-Economic Policy Department, "WIPO," of Farben's Berlin N.W. 7 office; member of Southeast Europe Committee; and director of A.G. Dynamit Nobel, Pressburg, Czechoslovakia.

Paul Haeffliger: Member of the Vorstand of Farben; member of the Commercial Committee; and Chief, Metals Departments, Sales Combine for Chemicals.

Erich von der Heyde: Member of the Political-Economic Policy Department of Farben's Berlin N.W. 7 office, Deputy to the Chief of Intelligence Agents, SS Hauptsturmfuehrer, and member of the WI-RUE-AMT (Military Economics and Armaments Office) of the Oberkommando der Wehrmacht (OKW) (High Command of the Armed Forces).

Heinrich Hoerlein: Member of the Central Committee of the Vorstand of Farben; chief of chemical research and development of vaccines, sera, pharmaceuticals, and poison gas; and manager of the Elberfeld Plant.

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

- Max Ilgner: Member of the Vorstand of Farben; Chief of Farben's Berlin N.W. 7 office directing intelligence, espionage, and propaganda activities; member of the Commercial Committee; and Wehrwirtschaftsfuehrer.
- Friedrich Jaehne: Member of the Vorstand of Farben; chief engineer in charge of construction and physical plant development; Chairman of the Engineering Committee; and Deputy Chief, Works Combine, Main Valley.
- August von Knieriem: Member of the Central Committee of the Vorstand of Farben; Chief Counsel of Farben; and Chairman, Legal and Patent Committees.
- Carl Krauch: Chairman of the Aufsichtsrat of Farben and Generalbevollmaechtigter fuer Sonderfragen der Chemischen Erzeugung (General Plenipotentiary for Special Questions of Chemical Production) on Goering's staff in the Office of the 4-Year Plan.
- Hans Kuehne: Member of the Vorstand of Farben; Chief of the Works Combine, Lower Rhine; Plant Leader at Leverkusen, Elberfeld, Uerdingen, and Dormagen plants; production chief for inorganics, organic intermediates, dyestuffs, and pharmaceuticals at these plants; and Chief of the Inorganics Committee.
- Hans Kugler: Member of the Commercial Committee of Farben; Chief of the Sales Department Dyestuffs for Hungary, Rumania, Yugoslavia, Greece, Bulgaria, Turkey, Czechoslovakia, and Austria; and Public Commissar for the Falkenau and Aussig plants in Czechoslovakia.
- Carl Lautenschlaeger: Member of the Vorstand of Farben; Chief of Works Combine, Main Valley; Plant Leader at the Hoechst, Griesheim, Mainkur, Gersthofen, Offenbach, Eystrup, Marburg, and Neuhausen plants; and production chief for nitrogen, inorganics, organic intermediates, solvents and plastics, dyestuffs, and pharmaceuticals at these plants.
- Wilhelm Mann: Member of the Vorstand of Farben, member of the Commercial Committee, Chief of the Sales Combine for Pharmaceuticals, and member of the SA.
- Fritz ter Meer: Member of the Central Committee of the Vorstand of Farben; Chief of the Technical Committee of the Vorstand that planned and directed all of Farben's production; Chief of Sparte II in charge of production of Buna, poison gas, dyestuffs, chemicals, metals, and pharmaceuticals; and Wehrwirtschaftsfuehrer.

Heinrich Oster: Member of the Vorstand of Farben, member of the Commercial Committee, and manager of the Nitrogen Syndicate.

Hermann Schmitz: Chairman of the Vorstand of Farben, member of the Reichstag, and Director of the Bank of International Settlements.

Christian Schneider: Member of the Central Committee of the Vorstand of Farben; Chief of Sparte I in charge of production of nitrogen, gasoline, diesel and lubricating oils, methanol, and organic chemicals; Chief of Central Personnel Department, directing the treatment of labor at Farben plants; Wehrwirtschaftsfuehrer; Hauptabwehrbeauftragter (Chief of Intelligence Agents); Hauptbetriebsfuehrer (Chief of Plant Leaders); and supporting member of the Schutzstaffeln (SS) of the NSDAP.

Georg von Schnitzler: Member of the Central Committee of the Vorstand of Farben, Chief of the Commercial Committee of the Vorstand that planned and directed Farben's domestic and foreign sales and commercial activities, Wehrwirtschaftsfuehrer (Military Economy Leader), and Hauptsturm-fuehrer (Captain) in the Sturmabteilungen (SA) of the Nazi Party (NSDAP).

Carl Wurster: Member of the Vorstand of Farben; Chief of the Works Combine, Upper Rhine; Plant Leader at Ludwigshafen and Oppau plants; production chief for inorganic chemicals; and Wehrwirtschaftsfuehrer.

The prosecution charged these 24 individual staff members of the firm with various crimes, including the planning of aggressive war through an alliance with the Nazi Party and synchronization of Farben's activities with the military planning of the German High Command by participation in the preparation of the 4-Year Plan, directing German economic mobilization for war, and aiding in equipping the Nazi military machines.¹ The defendants also were charged with carrying out espionage and intelligence activities in foreign countries and profiting from these activities. They participated in plunder and spoliation of Austria, Czechoslovakia, Poland, Norway, France, and the Soviet Union as part of a systematic economic exploitation of these countries. The prosecution also charged mass murder and the enslavement of many thousands of persons particularly in Farben plants at the Auschwitz and Monowitz concentration camps and the use of poison gas manufactured by the firm in the extermination

¹The trial of defendant Brueggemann was discontinued early during the proceedings because he was unable to stand trial on account of ill health.

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

of millions of men, women, and children. Medical experiments were conducted by Farben on enslaved persons without their consent to test the effects of deadly gases, vaccines, and related products. The defendants were charged, furthermore, with a common plan and conspiracy to commit crimes against the peace, war crimes, and crimes against humanity. Three defendants were accused of membership in a criminal organization, the SS. All of these charges were set forth in an indictment consisting of five counts.

The defense objected to the charges by claiming that regulations were so stringent and far reaching in Nazi Germany that private individuals had to cooperate or face punishment, including death. The defense claimed further that many of the individual documents produced by the prosecution were originally intended as "window dressing" or "howling with the wolves" in order to avoid such punishment.

The tribunal agreed with the defense in its judgment that none of the defendants were guilty of Count I, planning, preparation, initiation, and waging wars of aggression; or Count V, common plans and conspiracy to commit crimes against the peace and humanity and war crimes.

The tribunal also dismissed particulars of Count II concerning plunder and exploitation against Austria and Czechoslovakia. Eight defendants (Schmitz, von Schnitzler, ter Meer, Buergin, Haeffliger, Ilgner, Oster, and Kugler) were found guilty on the remainder of Count II, while 15 were acquitted. On Count III (slavery and mass murder), Ambros, Bueteffisch, Duerrfeld, Krauch, and ter Meer were judged guilty. Schneider, Bueteffisch, and von der Heyde also were charged with Count IV, membership in a criminal organization, but were acquitted.

The tribunal acquitted Gajewski, Gattineau, von der Heyde, Hoerlein, von Knieriem, Kuehne, Lautenschlaeger, Mann, Schneider, and Wurster. The remaining 13 defendants were given prison terms as follows:

<u>Name</u>	<u>Length of Prison Term (years)</u>
Ambros	8
Buergin	2
Bueteffisch	6
Duerrfeld	8
Haeffliger	2
Ilgner	3
Jaehne	1 1/2
Krauch	6
Kugler	1 1/2
Oster	2
Schmitz	4
von Schnitzler	5
ter Meer	7

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

All defendants were credited with time already spent in custody.

In addition to the indictments, judgments, and sentences, the transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty) and opening statements of both defense and prosecution.

The English-language transcript volumes are arranged numerically, 1-43, and the pagination is continuous, 1-15834 (page 4710 is followed by pages 4710(1)-4710(285)). The German-language transcript volumes are numbered 1a-43a and paginated 1-16224 (14a and 15a are in one volume). The letters at the top of each page indicate morning, afternoon, or evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Two commission hearings are included in the transcripts: that for February 7, 1948, is on pages 6957-6979 of volume 20 in the English-language transcript, while that for May 7, 1948, is on pages 14775a-14776 of volume 40a in the German-language transcript. In addition, the prosecution made one motion of its own and, with the defense, six joint motions to correct the English-language transcripts. Lists of the types of errors, their location, and the prescribed corrections are in several volumes of the transcripts as follows:

- First Motion of the Prosecution, volume 1
- First Joint Motion, volume 3
- Second Joint Motion, volume 14
- Third Joint Motion, volume 24
- Fourth Joint Motion, volume 29
- Fifth Joint Motion, volume 34
- Sixth Joint Motion, volume 40

The prosecution offered 2,325 prosecution exhibits numbered 1-2270 and 2300-2354. Missing numbers were not assigned due to the difficulties of introducing exhibits before the commission and the tribunal simultaneously. Exhibits 1835-1838 were loaned to an agency of the Department of Justice for use in a separate matter, and apparently No. 1835 was never returned. Exhibits drew on a variety of sources, such as reports and directives as well as affidavits and interrogations of various individuals. Maps and photographs depicting events and places mentioned in the exhibits are among the prosecution resources, as are publications, correspondence, and many other types of records.

The first item in the arrangement of prosecution exhibits is usually a certificate giving the document number, a short description of the exhibits, and a statement on the location of the original document or copy of the exhibit. The certificate is followed by the actual prosecution exhibit (most are photostats,

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

but a few are mimeographed articles with an occasional carbon of the original). The few original documents are often affidavits of witnesses or defendants, but also ledgers and correspondence, such as:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
322	NI 5140	1558	NI 11411
918	NI 6647	1691	NI 12511
1294	NI 14434	1833	NI 12789
1422	NI 11086	1886	NI 14228
1480	NI 11092	2313	NI 13566
1811	NI 11144		

In rare cases an exhibit is followed by a translation; in others there is no certificate. Several of the exhibits are of poor legibility and a few pages are illegible.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, Reichgesetzblatt excerpts, photographs, and other items. The 4,257 exhibits for the 23 defendants are arranged by name of defendant and thereunder by exhibit number. Individual exhibits are preceded by a certificate wherever available. Two sets of exhibits for all the defendants are included.

Translations in each of the prosecution document books are preceded by an index listing document numbers, biased descriptions, and page numbers of each translation. These indexes often indicate the order in which the prosecution exhibits were presented in court. Defense document books are similarly arranged. Each book is preceded by an index giving document number, description, and page number for every exhibit. Corresponding exhibit numbers generally are not provided. There are several unindexed supplements to numbered document books. Defense statements, briefs, pleas, and prosecution briefs are arranged alphabetically by defendant's surname. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

At the beginning of roll 1 key documents are filmed from which Tribunal VI derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the IMT Charter, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of members of the tribunal and counsels. These are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by the minute book, consisting of summaries of the daily proceedings, thus providing an additional finding aid for the transcripts. Exhibits are listed in an index that notes the

type, number, and name of exhibit; corresponding document book, number, and page; a short description of the exhibit; and the date when it was offered in court. The official court file is summarized by the progress docket, which is preceded by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of the English-language document books.

The records of the I. G. Farben Case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the IMT, T988; NI (Nuernberg Industrialist) Series, T301; NM (Nuernberg Miscellaneous) Series, M-936; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; NP (Nuernberg Propaganda) Series, M942; WA (undetermined) Series, M946; and records of the Brandt case, M887; the Milch Case, M888; the Altstoetter case, M889; the Pohl Case, M890; the Flick Case, M891; the List case, M893; the Greifelt case, M894; and the Ohlendorf case, M895. In addition, the record of the IMT at Nuernberg has been published in the 42-volume *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947). Excerpts from the subsequent proceedings have been published in 15 volumes as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (Washington). The Audiovisual Archives Division of the National Archives and Records Service has custody of motion pictures and photographs of all 13 trials and sound recordings of the IMT proceedings.

Martin K. Williams arranged the records and, in collaboration with John Mendelsohn, wrote this introduction.

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

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Roll 11

Target 1

Volume 29, p. 10,209-10,491

Mar. 31-Apr. 2, 1948

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Official Transcript of Military Tribunal VI,
Case VI, in the matter of the United States of
America against Carl Krauch, et al., defendants,
sitting at Nurnberg, Germany, on 31 March 1948,
0900 hours, Judge Shake, presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States
of America and this Honorable Tribunal. There will be order in the court.

THE PRESIDENT: You may report, Mr. Marshal.

THE MARSHAL: May it please your Honors, all defendants are present
save the defendants Lautenschlaeger and Haefliger, absent due to illness,
and Von Schnitzler and Duerrfeld absent excused.

THE PRESIDENT: The Tribunal is very happy to observe that Dr.
Boettcher is back with us this morning. Glad to see you here, Doctor.
You have an announcement, Dr. Nelte?

DR. NELTE: May it please the Tribunal, I am handing the Secretary
General, for transmission to the Tribunal and to the Prosecution, a motion
which refers to the Document NI 13590, Exhibit 1866. This is a document
which was designated as a report by Dr. Neumann. The Prosecution sub-
mitted a photostatic copy of that document consisting of six pages. Mr.
Minskoff has introduced this document in the cross-examination of Profes-
sor Hoerlein, and he said, I quote: "Dr. Hoerlein, I am showing you
NI-13590 which we ask to be designated as Prosecution's Exhibit 1866
for identification."

MR. SPRECHER: Mr. President, the motion includes what Dr. Nelte is
speaking of. I have noticed a certain tendency to read motions in Court.
Is that to become the practice now or are we just to note that we are
filing them? We also have some answers which we have filed but we don't
note them in Court.

THE PRESIDENT: Well, the Tribunal cannot read the mind of counsel.
We take it that Dr. Nelte will not abuse the privilege of addressing the
Court and perhaps we had better let him proceed and if he takes up too much
time, leave it to the Tribunal to take care of the matter. Go ahead, Doc-
tor, and we will see what you have to say.

DR. WELTE: I quote: "Mr. Minskoff says that this is a report of Dr. Heinrich Neumann wherein it is stated — it's page 4 of the English, I think it's the last page of the document before you — that Dr. Mrugowski is conducting experiments with vaccines produced by various means which are being put at his disposal by Marburg so as to establish whether there are any differences which speak in favor of one or the other production methods, and I ask you whether that refreshes your recollection as to whether you did, in fact, receive a report on the Mrugowski experiments." Professor Hoerlein wanted to read the entire document. The Tribunal asked the Defendant to draw his attention to the paragraphs on page 6 in which the vaccine experiments of Dr. Mrugowski were discussed. Professor Hoerlein answered the question of the Prosecution in the negative. Further questions were not put. The time was short. Mr. Minskoff had maintained that Document NI 13590 was a report of Dr. Neumann inclusive of page 6. I checked the document. The very first paragraph, page 6, already made me startle. This paragraph reads, and I quote: "The establishment of a typhus institute in Lamborg is being started with increased speed and with extensive assistance from the authorities. Dr. Haas is to be head of the institute." And now comes the decisive point, and I quote again: "There is a report from Neumann about further details of the installations planned." This formulation made it appear very improbable that Dr. Neumann was the author of this page 6.

THE PRESIDENT: Dr. Welte, the Tribunal, of course, has not had an opportunity to see your motion. Neither has the Prosecution. We should much prefer to have this document processed and made available to us so that we can read it in advance and then hear what you have to say in support of the motion. This just consumes twice the time that it should. We certainly wish to give you a full opportunity to present your views at the proper time, but we can conserve the time a good deal if you will let the document get to us and then we will give you time to present your views on it after the Prosecution is in a position to reply. I think that

would make for better procedure here and save time and we have used about five minutes and you perhaps need more time than that to present your views. But ---

DR. NELTE: I shall need another three minutes and in those three minutes I should like to submit these two documents which I procured in order to prove that the document produced does not say what the Prosecution purports it does, and I want to produce these two documents as Exhibits here. I have already handed them to the Secretary General. This is an affidavit of the Director Zahn of Leverkusen which I shall submit as Document Hoerlein Number 144 and as Exhibit 108.

THE PRESIDENT: We could follow you much better if we had an opportunity to read your motion before we hear what you have to say about it. Now, if you will file your motion and take the necessary steps to see that we get a translation of it, and the Prosecution has it, we will give you an opportunity to present your views at the same time we hear the Prosecution, and then we will be in a position to make some disposition of the matter. I think that will be in the interests of economy of time and orderly procedure for all concerned because it's difficult for us to follow your argument without having seen the motion.

DR. NELTE: The motion is available in the German and English languages as well as the annexes to the motion. However, if the Tribunal pleases I shall reserve any further statements.

THE PRESIDENT: We will give you an opportunity to present, at the proper time, your views, if it is a matter that the Tribunal feels it should be enlightened about.

MR. SPRECHER: I was just going to add that this is something that concerns one particular attorney especially in the Prosecution staff and of course he is not here because of no notice.

THE PRESIDENT: Well, you can take it up with him and as soon as the Prosecution has had an opportunity to study your motion and we have had it delivered to us we will make a disposition of the matter and we will hear you then, Doctor, if you have anything further to say.

DR. HELTE: Thank you very much.

MR. VAN STREET: May it please your Honors, I would like to refer very briefly to Kuehne Document 95, Exhibit 95 in Book 3. I would like to say that I withheld comment to the Tribunal on this document yesterday pending an opportunity to discuss it briefly with Dr. Lummert. Your Honors, this is an affidavit of Hans Seel, and to the affidavit there are attached three testimonials of workers from Leverkusen which are unsworn. All these testimonials were --

JUDGE HEBERT: What is the number of the Exhibit?

MR. VAN STREET: I beg your pardon, your Honors. It's 102. I am very sorry. Everything that I have said, however, on the particular document, is pertinent. It should be 102, however, instead of 95. These three testimonials are unsworn and they were all secured in 1946. At this time I therefore feel that it's incumbent upon me --

DR. LUMBERT: May I interrupt for just one minute. I don't think my defendant heard.

MR. KUEHNE: I think I hear now.

MR. VAN STREET: I think it's incumbent upon me at this time, however, to move that this document be stricken from the record on the grounds, first, that it's not a contemporaneous document and second, your Honors, if you will notice on page 275 and there is no address given, so I am told by Dr. Lummert, where we can reach not only that particular affiant, so to speak, Mazur Josef, but that is also applicable to the others. Now, as a matter of fact, this particular document in its entirety is not bad Prosecution material, but in the interests of a clear and competent record I think it's my duty to object, and I think it really should be stricken.

THE PRESIDENT: What have you to say, Dr. Lummert?

DR. LUMMERT: Your Honors, in the case of Document Kuehne 102 we are concerned with an affidavit of the witness Dr. Seel. This affidavit has three inclosures. These three inclosures are the testimony of the three foreign workers. These three testimonials therefore have no significance of their own as evidence, but they are only to be considered in connection with the affidavit of the witness Seel. I believe that therefore there can be no objection as to the admissibility of the document. I may, perhaps, add the following. I have considered whether and to what extent I should produce affidavits of foreign workers themselves. There is always the suspicion in such cases that such material could be fabricated. Now here we have three statements dating back to 1946 — that is long before the commencement of this trial and long before this trial was ever contemplated. Therefore, these statements, to me, seem to be of some significance. They are entirely free of the suspicion of having been fabricated. Since, however, they were not sworn to, I have submitted the affidavit of the witness Seel to whom these three statements were handed voluntarily, at the time.

THE PRESIDENT: Now, gentlemen, Dr. Lummert has said, in effect, that he would not urge that the exhibits or the letters attached to his Exhibit 102, are competent within themselves, but that he deems that

they are competent to come to the Tribunal because of the reference to them in the affidavit of Seel proper. If you take the references to the three letters out of Seel's affidavit there is nothing else of probative value in it. That is all he does refer to. It seems to us that that amounts to doing by indirection what you could not do by direction. If you conceded that the three letters would not be competent evidence standing on their own feet, surely you cannot, by this means, make them competent evidence. The Tribunal is taking no position whatever that proper verified affidavits of foreign workers are not competent evidence. And you are at liberty to produce that kind of evidence. Of course, like every other affidavit and every other bit of testimony its weight and value

is ultimately for the Tribunal to determine. It seems to us that this is an attempt to accomplish that by an indirect method that you could not do by a direct method according to your own statement.

DR. LUMBERT: Your Honors, I should like to draw the attention of the Tribunal to the last sentence of Dr. Seel's affidavit. This is on page 273, and the affiant says, and I quote: "I herewith certify the contents of these testimonials and I do that upon the basis of my own knowledge." The affidavit of Dr. Seel has value of its own. The witness made the inclosures the subject of his own statement.

THE PRESIDENT: Well, of these had been letters that had been received in the due course of business, it would be a different proposition. If the affidavits showed that the duties of Dr. Seel were to take care of complaints or statements of people with whom he dealt, and that in the ordinary course of business, and before the indictment was returned, as a part of his functions he received these letters, then they might be competent. But here all you have in your last sentence is just the conclusion of his that the facts are true. Well now, if that is true then the facts, being true, he can testify to that without the letters. He can make an affidavit and tell what he knows without bringing in by direction these letters. This would open the door wide to anyone bringing in a dozen letters, and say, "I received these letters or obtained these statements before this indictment was returned and here they are -- I think they are true," and we would load this record with evidence that would be absolutely incompetent. It's a rule that works two ways. It's for the protection of defendants as well as the Prosecution, and in the judgment of the Tribunal these letters are incompetent evidence and the motion of the Prosecution to strike them must be sustained, but we will say that if you can obtain another affidavit as to what Dr. Seel himself knows, in lieu of it or if you can obtain any verification of these letters from the makers of the letters, we will permit you to offer them subsequently, even after you rest.

DR. LUMMERT: Your Honors, in that case I should like to ask you to accept this document, first of all, only for identification. I shall then consider whether it is necessary for me to obtain a supplemental certificate.

THE PRESIDENT: Has the Prosecution any objection to this exhibit being marked for identification and not in evidence?

MR. SPRECHER: Certainly not, Mr. President. May I just make one comment. In case Dr. Lummert does decide to attempt to get some verification concerning official business, I only wanted to point out that I think official business in one sense for I.G. Farben ended in May, 1945, and these were written after some of these slave laborers had been in Germany for over a year and were obviously out in some D.P. camp and they can't be traced at all from our point of view and we would be very glad if Dr. Lummert could trace them, and we have absolutely no objection to anything along that line. We only want to make ourselves very clear in that regard.

THE PRESIDENT: The motion of the Prosecution to strike the Exhibit 102 is sustained and the Defense now reoffers 102 for identification and the exhibit is marked for identification, 102, but is not in evidence.

DR. LUMMERT: Your Honors, I have only a few questions to the Defendant Kuehne, in direct examination. These are questions concerning Count III of the indictment. In connection therewith I shall submit documents 105 to 116 of Document Book 3. Dr. Kuehne, do you know anything about the so-called labor disciplinary camps?

A. At the time I was plant leader there was no such correction camps at Leverkusen. But at a later date, as far as I remember, in the beginning of 1944, I heard that such a camp had to be established at Leverkusen.

Q. In this connection I shall submit Document and Exhibit 105, pages 282 to 293, of Document Book 3. This is an affidavit of the witness, Dr. Seel of Leverkusen. He confirms that the so-called labor disciplinary camp at Leverkusen was established upon orders by the Gestapo only at the

end of 1943, and was dissolved again in 1944. The Farben plant Leverkusen arranged for good housing and food, and they employed and paid the members of the camp. All other matters were exclusively under the jurisdiction of the Gestapo. I shall now turn to my next question. Witness, did you know anything about the employment of concentration camp inmates in Farben?

A. Up to the time of this trial of Nurnberg, I only know that concentration camp inmates were employed in the Farben plant of Auschwitz.

Q. From whom and when did you learn of that?

A. I recall that Mr. Ambros, on the occasion of a lecture of April 1941, as far as I remember, talked about the efficient workshops of the concentration camp of Auschwitz, from which he hoped to gain valuable assistance for the construction of the plant. Furthermore, he mentioned that he hoped to be able to obtain labor from the camp for purposes of digging. As far as I remember that was in April 1941. From the minutes of the rubber commission which was submitted to me by the gentlemen of Leverkusen who were in that commission, I have seen that at that time, — that is to say on 21 October, 1941, 1,300 concentration camp inmates were employed in the Auschwitz plant — in its construction.

Q Did you know whether during the planning of the Auschwitz plant the vicinity of the concentration camp played a part or not?

A No, I never heard anything about that, and I can hardly imagine it, but from Mr. Ambros's statements before the TCM at the beginning of 1941 it became apparent that the locality was chosen because of the suitability of the terrain from a geographical point of view, and because of its favorable location in relations to the raw material supplies.

Q Did you ever hear about the camp of Monowitz?

A No, I heard the name of Monowitz here for the first time.

Q Did you ever visit the Auschwitz plant of Farben?

A No, I was never at Auschwitz.

Q - Would it not have been probable for you to visit Auschwitz, particularly because Farben had invested considerable sums into Auschwitz?

A I know that the Auschwitz plant was founded as a result of an official order, and that the funds necessarily had to be approved by Farben. My colleagues who had to deal with the task of checking the execution of these tasks by inspections had to do that themselves and that was not my task. Apart from that I know as a result of occasional visits at Leuna, Schkopau and Muehl how excellently my colleagues had constructed these plants. They had a similar task at Auschwitz, and I could rest assured that my colleagues were performing that task in the same way and just as well from every point of view.

Q Did you employ and concentration camp inmates at Leverkusen?

A No.

DR. LUERT: Your Honor, in that connection I shall submit Documents and Exhibits 106 and 107. These are affidavits of the witnesses Morsch and Zarges. Both affiants confirm that at the Leverkusen plant no concentration camp inmates were employed at any time.

Q And now, did you know anything about any other concentration camps in Germany apart from Auschwitz?

A Apart from Auschwitz the name of which I heard as a result of Dr.

Ambros's explanations, I only knew the name of Dachau; and, further more, I knew of the ghetto Theresienstadt, near Prague. I knew about that matter when Dr. von Weinberg was brought there.

Q Did you hear anything about killings or other crimes in concentration camps generally, or, did you hear about Auschwitz in particular?

A No. I heard at no time about these matters; not before the beginning of this Nurnberg trial.

Q The Prosecution maintains that every German should have learned of these matters as a result of rumors or foreign broadcasts; how do you explain your lack of knowledge?

A I must confess that today it seems to me very peculiar that one never heard anything about these matters, but as an explanation I may state the following: On various occasions it has been stated here in Nurnberg, not only in this trial, how secret matters pertaining to concentration camps were kept, how such matters were camouflaged, and what punishments were imposed if any rumors were spread contrary to governmental interests. As an example, I could name my associate and good friend, Dr. Raspe of Leverkusen. He did not dare to tell me any details when his brother-in-law and sister-in-law were temporarily sent into a concentration camp. Foreign broadcasts I heard only very rarely, and on these very few occasions I heard no reports pertaining to concentration camps or crimes committed therein. And then, really I had practically no possibility at Leverkusen to listen to foreign broadcasts. In the morning, at eight o'clock, I was already in my office, and in the evening, around 2000 hours, I was again at home. Neither in my office nor at the plant where I had lunch and supper could I dare listen to foreign broadcasts. When, however, I was at home in the evening, at eight o'clock, it was high time for me to switch on the radio, that is the particular switch which gave me all information with respect to enemy air attacks in the vicinity of the plant. I had to listen to these reports because I was responsible for the plant. Since the city of Cologne, and these are official informations, had 1,700 air attacks, and, since every night we

had to go to the shelter two or three times, I really had no time to listen to any foreign broadcasts. But, I didn't even hear rumors about these atrocities when in December, 1943, I went to Switzerland on business for a few days, and when in June, 1944, I spent a few days with my daughter in Italy. In Germany it was extremely dangerous to transmit any information or to spread rumors, as the cases of two of my friends show, Ricken and Schuerer, of whom one was executed because of these rumors and the other died in prison.

DR. LUHERT: In that connection I am submitting Documents and Exhibits 108 to 110. Document 108 is an affidavit of Dr. Raspe. He confirms the incidents Dr. Kuehne briefly mentioned. He said that he did not dare to tell the family Kuehne any details when two close relatives of his were murdered in the concentration camp.

Document 109 deals with the tragic case of Birgwerkdirektor Ricken, who was arrested by the Gestapo and sentenced to death because he stated at an internal plant conference that he thought that Germany would lose the war.

I may point out to you that my colleague Dr. Hellmuth Dix will submit a more detailed affidavit with respect to this matter on behalf of the defendant Schneider; Dr. Ricken was a friend of Dr. Kuehne.

Document 110 is an affidavit of three witnesses who know about the case of the deceased director of the firm F. Olton & Guilleaume, Dr. Schuerer. This case was also just mentioned by Dr. Kuehne. I shall now turn to my questions.

Q The Prosecution in their index to Document MI-8961, Exhibit 1392, Document Book 70, page 120 of the English, and 190 of the German text maintains that at Leverkusen in July, 1944, prisoners of war were employed in producing poison gas and explosives; is that true?

A No, that is not true, but perhaps I may point out that this alleged matter dates to the period after my time at Leverkusen, but in spite of that, let me remark the following in this connection: In all the forms which had to be filled out for the allocation of workers for K Substances, as they were called, prisoners of war were also mentioned

as already being available, but there was actually not production plant at Leverkusen for K products proper. There was only a small experimental plant at the laboratory for D-LOST, as I already mentioned. In this laboratory no prisoners of war or even foreign workers were employed. Explosives were not produced at Leverkusen. If PSV plants are mentioned in these forms, that is to say, the plants producing the preliminary products for powder and explosives, that has the following significance. Products which we had to deliver to explosive factories were produced, like Dinitrobenzene and Nitronaphthalene and Dinitrotoluene, which for decades already had been produced at Leverkusen in large quantities for dyestuffs, but which during the war were also regarded as preliminary products for powder and explosives. For these final products and labor demand for all the processing stages had to be reported, that is beginning with the pyrite transport for the production of sulphuric acid, for all auxiliary products, packing material, etc., etc. In this manner a large number of workers were obtained who had to be listed on these forms and there, of course prisoners of war also had to be reported who were employed in any one of these preliminary stages of the production. Perhaps they were employed with the unloading of the pyrite. The said intermediate production, as I mentioned, according to the regulations for the prevention of accidents, and according to the regulations concerning transport, could not be designated as explosives. In the nitration plants themselves prisoners of war were at no time employed.

The allocation and commitment of prisoners of war was always done strictly in accordance with the regulations of the Geneva Convention. The Stalag concerned was responsible for the adherence to these regulations; the Stalag was the camp for prisoners of war.

Q. The Prosecution in their index to Document NI-3373, Exhibit 1385, page 96 of the English, and 162 of the German text, of Document Book 70, states, and, I quote a brief sentence: "Farben could not agree to release of these workers", and so on. This concerns five French prisoners of war who were to be surrendered by the Farben plant of Leverkusen to the Labor Office of Opladen; it bears the date of the 5th of January, 1944. What can you say about that?

A. This, too, happened after my time, but, let me say the following in this connection: As far as I know the English language, the Prosecution has wrongly translated the word "Abgeben" as "release". I think that it should have read to code.

Q. C-o-d-e.

A. The Leverkusen plant was not to release these prisoners of war but was to hand them over to a different place. As far as I could see from the document, the plant did not really refuse giving up these prisoners of war, but it says at the end of the letter, and I quote: "Naturally on the basis of your directives we shall place the said people Monday morning at your disposal." The Prosecution did not refer to this very important sentence in their index, as, in my opinion, that makes invalid the deductions of the Prosecution to the effect that Farben had dared to contradict directives by authorities whenever it was to their advantage to do so.

DR. LUMBERT: In this connection I shall submit Documents and Exhibits 111 to 116. The contents of these documents is explained repeatedly in detail in the index, and I think it is therefore not necessary for me to read the details once more into the record. The most essential points are the following: The witnesses confirm that the figures for prisoners of war employed relating to K substances and PSV, and listed in the forms, can be explained by the fact that all preliminary

and intermediate stages are mentioned with respect to the demand of labor. Further more, it is important that prisoners of war at no time were employed at the so-called nitration plants, and, finally, it is stated that Leverkusen did not produce chemical warfare agents.

Documents 116 finally confirms that the allocation of prisoners of war was handled upon the basis of legal regulations, and that that was done of necessity by the labor office.

Q. Now, let me ask you this, Dr. Kuchno: Did you at any time hear that foreign workers or prisoners of war in the Farben plants or the concentration camp inmates of the plant of Auschwitz were treated badly or in an inhumane manner?

A. No. Up to the time of my arrival in Nurnberg I didn't hear one single word about that. At my plant Leverkusen, as far as I know, at no time there was the slightest case of mistreatment on the part of the Germans against a foreigner or against a prisoner of war. Knowing my colleagues as I do, I am firmly convinced that the treatment in all other Farben plants, including Auschwitz, was the very same and was just as humane and proper as it was at my own plant.

Q. Did you ever hear anything of medical experiments on human beings? Did you hear about that generally, or specifically, in relation to Farben?

A. No, I heard nothing whatsoever about these matters before the beginning of this trial. I heard in the courtroom how my colleague Hoerlein proved that he himself knew nothing about it either.

Q. One final question now. The Prosecution in their Trial Brief, Part III, on page 13, states, and I quote: "The defendant Kuchno, the chairman of the TEKO, was present during this meeting," etc. Were you ever the chairman of the TEKO?

A. No, never. I assume that this is a typographical error.

DR. LUMBERT: This, Your Honor, concludes my direct examination.

THE PRESIDENT: Do any other Counsel for the Defense desire to interrogate this witness?

EXAMINATION

BY DR. RUDOLF DIX: (Attorney for the defendant Schmitz)

Q. Dr. Kuehne, did my client, Mr. Schmitz, have anything to do with the technical, commercial or social management or supervision of the plants subordinated to you?

A. No, I wouldn't have tolerated it, and I would have objected to it had Mr. Schmitz entertained a thought of controlling my work at Leverkusen. I bore the full responsibility for Leverkusen, but naturally I had a strong will for independence and I was independent.

Q. Was Schmitz ever there for a visit; did he ever inspect Leverkusen?

A. As far as I remember during my management, for ten or eleven years, Mr. Schmitz was in Leverkusen only three or four times, and that only in order to attend one or two Aufsichtsrat meetings. He was there occasionally in order to make a social visit. On the occasion of these Aufsichtsrat meetings, the Aufsichtsrat was shown now and again a small part of the plant which we considered to be of interest; for instance, I remember our large Buna laboratory which we showed to the Aufsichtsrat, and of course to Mr. Schmitz.

Q. Tell me, Dr. Kuehne, as far as the labor allocation question was not settled by the governmental authorities, labor office, etc., as far as something had to be handled by the plant management itself; for instance, any demand for labor, the placing of quotas, did the Vorstand of Farben then have anything to do with that question as such, and, Mr. Schmitz in particular?

A No, I believe that it has repeatedly been explained here in this courtroom that in particular after 1933, as a result of the regulation for national labor, the plant leader alone was responsible for the procurement of labor. And as I already explained before, even if that had not been the case, I would have strongly objected if Mr. Schmitz had tried to interfere with my affairs.

Q Do you remember whether at any time the Vorstand of Farben as such, or Mr. Schmitz in particular, had issued an order, even only a directive, or even a request, to the plant managements in order to employ foreign workers?

A No; but that was neither his task nor did he have any right to interfere with such matters. We plant leaders had to register our labor demands with the labor office, and we had to take whatever labor the labor office could offer us.

Q For the benefit of the Tribunal, I have only put this question to the defendant considering the statements made by the Prosecution in their Book 68, concerning the Aufsichtsrat minutes contained therein of the Aufsichtsrat meetings of Farben of the 11th of July, 1941 and of the 30th of May, 1942.

Your Honors will find that on page 3230 of the transcript. This passage shows an explanation for my question which perhaps appeared to be superfluous, prima vista; and the witness, from his point of view, rightly pointed out to the possible irrelevance of the question.

Witness, you were speaking of these mobilization plans, or sometimes called plant staff plans. Were they also to be kept secret toward the TEA and the Vorstand?

A I already mentioned yesterday that we had to sign strict statements pertaining to secrecy, and as far as I remember we never talked to one another about the production plans of the plants, or reported to the TEA or the Vorstand.

Q I see. Did you ever talk to Schmitz personally about these matters?

A Certainly not with Schmitz.

Q And now one final question. During your direct examination upon questioning by your counsel, you stated that you had known of some larger sums which were paid by Schmitz to the so-called Circle of Friends of Himmler and Keppler. One moment, my question is just coming.

Do you mean to say that today you do know something about this matter or that you had learned of anything concerning Schmitz' contributions to this Circle of Friends. I only put that question to clarify the matter.

A Yes, here the Prosecution told me for the first time about this expression, Circle of Friends, and I only heard here for the first time that a few hundred thousand marks were contributed, and that is why I used the expression here. I did not know of it before.

Q That is very nice of you, and I am sure the Prosecution recognizes it as being very nice of you that you consider the assertion made by the Prosecution as being correct, but I want to ask you is this. Apart from what you have read in the indictment, do you know now and do you have any reason to believe that Schmitz at any time made any contribution in connection with the Circle of Friends?

A No, naturally, Dr. Dix, it is very difficult today to distinguish now what one knew at the time and what one learned here, especially if you consider how long this trial has lasted. But, according to my best recollection, I knew nothing about it.

Q I am quite sure, Doctor; I just wanted to clarify that matter

I have no further questions, Your Honor.

BY DR. PRIDILLA: (Counsel for the defendant Lautenschlaeger):

Q Dr. Kuehn, you were a member of the Verwaltungsrat of DAG-Pressburg, were you?

A Yes.

Q Did Prof. Lautenschlaeger at any time have any connection with that company?

A No, as far as I remember he never had.

Q Dr. Kuehne, nothing has been presented here to the effect that he had such connection apart from one single remark. In an affidavit NI-2989, Exhibit 1069, it is stated, under the heading "K", and I quote: "The commercial Committee is in agreement with the following decisions of the Southeast European Committee, in connection with Budapest--Dr. Kuehne, Dr. Ilgner, Prof. Lautenschlaeger, are to be newly elected into the council.

Was Prof. Lautenschlaeger a member of the Administrative Council? (the Verwaltungsrat.)

A No.

Q Was he ever proposed to be elected into that council, as it appears from this document?

A No.

Q How do you explain that passage?

A Well, I naturally did read that document, but I must openly confess that it is incomprehensible to me how the name of Lautenschlaeger got into it. Lautenschlaeger is a medical man and in Pressburg only inorganic products were produced, and what could Mr. Lautenschlaeger have to do with Pressburg? I must openly confess that it is quite incomprehensible to me how this name could have gotten into that document. At any rate, as far as I remember, we never thought of electing Lautenschlaeger into the Aufsichtsrat.

Q Therefore, I must assume that this name got into the record by error?

A It must be so.

Q Do you remember who these three gentlemen actually were who were proposed?

A As far as I remember, those were Kuehne, Ilgner, and I assume

that Mr. Buetefish perhaps was present, but I am sure I can't remember it exactly.

Q Thank you very much.

BY DR. KROWN (On behalf of Dr. Nath for defendant Ilgner):

Q I should like to ask you the following questions, Dr. Kuehne did you know the president of Pest Hungarian Commercial Bank, Excellency Fuelep- Weiss?

A Yes.

Q The negotiations between the Pest Hungarian Commercial Bank, the Farben Dynamit Nobel Treisdorf, and the Dynamit Nobel Pressburg in the summer of 1938 in Budapest were already dealt with here at great length. We are concerned with the sales negotiations of the Carbid Werks Deutsch Matrei. At the time his Excellency Weiss attended these negotiations, on behalf of the Commercial Bank, and Dr. Ilgner on behalf of Farben.

Dr. Kuehne, did you see His Excellency Weiss after these negotiations once more?

A Yes, as far as I remember, I saw His Excellency Weiss in September 1938 in Salzburg at the Hotel Salzburger Hof.

Q Did His Excellency Weiss make any remarks on these negotiations and, if so, in what sense?

A We spent a few hours together, and Mr. Weiss naturally told me of the negotiations which had taken place shortly before that time. He said that he was very satisfied with the course of the negotiations and he emphasized the fair and frank manner in which Mr. Ilgner conducted negotiations.

Q Did His Excellency Weiss talk about Dr. Ilgner's attitude in any other way?

A Yes, naturally, Dr. Ilgner is a person about whom one likes to speak. As far as I remember, his attitude was the following.

He said that he was very pleasantly impressed by the manner in which Ilgner approached him and the members of his faith as far as I remember.

Q Thank you very much.

BY DR. /SCHEINAUER: (Counsel for the defendant Gattineau):

Q Dr. Kuchnc, you are an internationally known expert in the field of inorganic chemical large industry. Considering this capacity of yours, I should like to put a few questions to you with respect to the technical state of the Skoda-Wetzler and the Carbid Werk Deutsch-Matrei in 1938. I shall proceed to ask you about the individual plants. Let us start with the main plant of Skoda Wetzler, Moosbierbaum.

What was the technical state of that plant?

A Let me perhaps say this in summary: The plants which were under Dr. Pollak's management were well kept from an external point of view. But I have already explained that technically these plants were obsolete. The Creditanstalt reluctant to invest any money in the plants, and it was impossible for Pollak to realize his desires which went toward an expansion of his chemical ideas. Therefore, the products produced there were purely every-day products without any special significance. Sometimes I had considerable worries that these plants were acquired at the time upon my suggestion, especially when my plans were frustrated completely as a result of the war. Moosbierbaum, as I already explained yesterday, was a huge site which caused a lot of general expenses.

Now, let me turn to Liesing. Liesing was an ancient chemical factory. It was a hundred years old, located in a suburb of Vienna. When I inspected Liesing in 1938, together with Mr. Pollak the latter told me, "Listen, I think I can let all these buildings collapse because they are really useless." I hope that this terrian which seemed to be quite valuable as such could be sold and that everything could be concentrated at Moosbierbaum. The plants themselves at Liesing had little value.

Q If I now turn to the Carbid Werk Deutsch Matrei, I may perhaps ask you this. How about Brueckel?

A Well, contrary to the plants subordinated to Pollak, which at least were well kept in their management, the plants belonging to Dynamit Nobel through Carbid Matrei were technically very badly managed. Brueckel, the plant which belonged to this group, was about the worst managed plant of its kind I ever saw in my life.

Q How about Landeck?

A Landeck was a calcium carbide factory which really wasn't bad, but there were considerable difficulties there because the municipality of Landeck--and Landeck is a nicely located resort in the Tyrole--made continuous efforts to eliminate the carbide works from their area.

Q And how about Deutsch Matrei?

A That had ceased operation. It was an ancient calcium carbide factory without any technical significance whatsoever.

Q What are the principles which guide you with respect to the evaluation of inorganic factories, and how do you estimate their value?

A In the case of dyestuffs factories, the turnover is generally considered when estimating their value. In the case of inorganic factories, an estimate is far more difficult. The inorganic chemicals are very cheap and the inorganic production installations are very expensive and wear and tear is very fast. They need a lot of repairs. Therefore, when evaluating inorganic factories one must take into consideration the maintenance of the apparatus and its state, and one cannot go by turnover alone.

Q From these points of view, do you consider the sale price of Skoda Wetzlar as being fair?

A When I heard about the price which was arranged, and apart from that I had heard the estimate of the experts and of the trustees which were appointed mutually by Creditanstalt and Farben, and that of our own financial expert, and according to all these

statements I considered the price as being fair. When, however, I later took over these plants and became their general director I thought we had made a bad bargain.

Q Could the Carbide plants of the Deutsch Matrei, after the customs were dropped, considered to be profitable?

A I think only the calcium factory of Landeck could have been considered a paying concern. The other plants in my opinion would have fallen victim to German competition. But the plants belonging to the Skoda Wetzlar company, too—and I may perhaps give you one figure only. At Leverkusen I produced a hundred kilo. of sulfuric acid for the price of 1 mark 80. Moosbierbaum produced the same quantity for 8 to 10 marks. At Leverkusen I sold sulfuric acid to one large consumer at the rate of 2 marks 10 per kilo., and Moosbierbaum sold the same sulfuric acid at the rate of 10 to 12 marks.

It may, perhaps, be interesting to point out that the Creditanstalt in Vienna a short time before I was arrested approached me with the request that I become their technical consultant. At that time I tried to find out what the prices were, and then I found out that sulfuric acid is again sold at the rate of 10 marks in Austria.

From these figures you can see that Moosbierbaum could not have been able to compete with Farben products.

Q In connection with the Carbide Works Deutsch Matrei, you mentioned Landeck. Was the Landeck plant threatened in its existence as a result of the objection made by the community of Landeck?

A Well, I mentioned that before. As a matter of fact, we always had fights with the community.

Q And how about Deutsch Wagram. That was another obsolete plant, wasn't it?

A Deutsch Wagram was an ancient superphosphate factory which had to cease operations immediately after the beginning of the war in the same way as Moosbierbaum.

Q Therefore, do you think the sales price paid to Deutsch

Matrei was suitable?

A I am not a financial expert, but if I may speak on the subject in my capacity as an inorganic chemist, I think that the sales price was adequate because the nature of these plants was very uncertain and it was very doubtful whether they would be able to distribute any dividends.

Q Did Donauchemie have a main plant leader?

A No.

Q You were the Deputy Chairman of the Administrative Council of A.G. Dynamit Nobel in Pressburg, were you? Were you often in Pressburg?

A Yes, perhaps two or three times a year.

Q What was the state of the plants of Dynamit Nobel Pressburg in 1939? And then by comparison in the year of 1944?

A It is hardly possible to draw a comparison. When we took over the plants--or, rather, when I inspected them--they were very obsolete and in very bad condition. When I was there for the last time I became almost envious when I saw how well this plant was equipped and how well it could be equipped as a result of the favorable conditions in Slovakia.

Q On the occasion of your visits to Pressburg, did you see any forced labor, prisoners of war, or concentration camp inmates?

A No.

Q Thank you very much. No further questions.

THE PRESIDENT: Anything further from the Defense?....The Prosecution may cross-examine.

CROSS EXAMINATION

HANS KUEHNE (Resumed)

BY MR. SPRECHER:

Q Dr. Kuehne, first, are you going to listen to me on Channel One, the English, or are you going to listen to the German?

A Unfortunately my knowledge of English is not sufficient.

I shall listen to you in German.

Q Now, a second point. I trust in case you feel physically unwell during this cross-examination, you will let the Tribunal or me know quite as much as if your own counsel were questioning you.

A Thank you. I have tablets with me and that will help.

Q And as a third point, we will introduce certain documents during your cross-examination, and at the noon recess we will have no objection to your counsel discussing these documents with you, even though cross-examination may not be entirely completed. Now, that will give your counsel an opportunity to go into some of the details of these documents you may have had in mind and, therefore, you perhaps won't have to go into other parts of them that I do not refer to during your answers.

A Thank you.

Q Now, there has been certain evidence introduced in this trial purporting to show that I.G. Farben at one time or another was both praised, on the one hand, and criticized, on the other hand, by different official leaders of either the Party or the Third Reich.

On this point let me ask you this. Didn't the Reich Minister of Economics, Walter Funk, state in your presence during the war that without I.G. Farben Germany would never have been able to wage or to conduct the war?

A No, this remark was made by me. I remember the conversation very exactly. It took place at Duesseldorf and the meeting was on the occasion of Dr. Poensgen's birthday. After this birthday feast we sat together and had coffee, and, as I remember, Reichsminister Funk was sitting at the table, State Secretary Kleinmann, and then there was Mr. Pleiger, Mr. Zangen, and I, and a few other gentlemen. On this occasion Mr. Pleiger attacked Farben in a very shameful manner. He accused us that we so to speak sabotaged the war. He pointed to the Hermann Goering Works and pointed out what they did for the war effort. I was shocked, and I told him in strong terms; "Just

consider this," I said. "If we didn't have any Buna, and if we didn't have any gasoline, then Hitler would not be in a position to wage this war." Then Funk said, "Yes, what Dr. Kuehne has just stated is quite correct. These are matters of great importance for us." That, I think, is what you mean.

THE PRESIDENT: Mr. Spracher, we will take our recess at this time.

(The Tribunal recessed for fifteen minutes.)

THE MARSHAL: The Tribunal is again in session.

CROSS EXAMINATION - Resumed

DR. KUEHNE

BY MR. SPRECHER:

Q Concerning this meeting about which we were just speaking Dr. Kuehne, was that a special meeting which had been arranged by Gauleiter Florian?

A I could not tell you that with certainty any longer. It was an honorary meeting for the birthday of Dr. Poensgen, who was then 70, but who organized the meeting, I cannot tell you.

Q Now was Wilhelm Zangen then the President of the Reichsgruppe Industry?

A Yes, I think so.

MR. SPRECHER: Now without comment in that connection we would like to introduce NI-15027, which will become Prosecution Exhibit 2064. This is a copy of your letter to Geheimrat Schmitz concerning this meeting, written on the 12th of October 1941.

Q Was it customary for you, Dr. Kuehne, to communicate with Dr. Schmitz concerning any contacts you had with leading Government officials concerning the affairs of I. G. Farben?

A Not in general. However, for me this matter was of such extreme importance that at that time one of the most powerful men in the field of industry, Herr Pleiger, had made such an attack against I. G. that therefore I thought it was necessary to report it to Herr Schmitz.

Q Pleiger was the Chairman of the Vorstand of the Hermann Goering Works; is that right?

A Yes.

Q Now you testified about some of your contacts with Dr. Robert Ley, the head of the German Labor Front, and the Reich organization leader of all of the affiliated organizations of the Nazi Party. Among others, you testified that Dr. Ley again asked you to join the Nazi Party in

1933, and that you felt your old reasons for refusing to join the Party were no longer valid. Do you remember in what months of 1933 that conversation with Dr. Ley took place?

A Well, as far as I know, at the beginning of February, I applied for membership in the Party, and the meeting with Ley, when he came to see me, might have taken place shortly before, but from my memory I cannot state that with certainty now.

Q Where did the conversation take place, Dr. Kuehno?

A I think it was at Leverkusen.

Q I mean was it your office?

A It might have been at Cologne, but I cannot recall that with certainty.

Q In any event Dr. Ley came to see you; you didn't go to see him?

A No, I didn't go to see him.

Q Now in 1938 Leverkusen celebrated its 75th anniversary as a Plant, did it not?

A (Witness nodded head yes.)

Q Will you please answer out loud. Your nod is not indicated on the record.

A Yes.

Q Did Dr. Ley attend that celebration as the highest representative of the Party present?

A He was present. He had been invited by me, but I had not invited him as a Party dignitary, but rather as a former employee of Farben. Of course the fact that he was a mighty man played a certain part in my considerations. I do not know the conditions in the United States, but if an American industrial firm would have the acquaintance of the Vice President of the United States, they would probably invite him for such a celebration too.

Q Who was superior to Ley in the Nazi Party, besides Hitler himself; was anybody?

A Oh sure; above all, Goering.

Q Well, Dr. Kuehne, Goering as far as I know, had no position in the Nazi Party, in the Party organization as such, apart from being an important leader, but I mean he had no position. What position did anyone hold who was higher than Dr. Ley in the Nazi Party?

DR. LUMBERT: If your Honor please, I would like to object to this question because first of all I think it is irrelevant to discuss the organization of the Nazi Party, and also the defendant Kuehne is hardly the right witness to specify here who was under Hitler and who was between Hitler and Ley. Apparently he has no idea of it at all.

THE PRESIDENT: If he has no idea about it, the simple answer that he does not know will solve that problem. The objection is overruled. He may answer if he knows.

A Well, I think at least I can give you the idea, -- the feeling I have about the matter. Ley told me himself, and he complained, that Goering was constantly putting pressure on him, and Ley was very scared of Goering. That is the way I understand your question, and therefore I answered that Goering was higher-up than Ley.

Q Now speaking of anniversaries, did you return Ley's visit by going to him on his 50th birthday in Berlin, in 1940?

Please answer out loud, doctor.

A Yes.

Q Did you also have dealings with Gauleiter Hassfeld in connection with matters of interest to the German Labor Front, and the Nazi Party?

A I didn't get that name.

Q Who was the Gauleiter in the Gau in which Leverkusen is located?

A Florian.

Q And who is Hassfeld?

A With the Labor Front?

Q Now during the first two years of the existence of the German Labor Front of the DAF did you not repeatedly advise the department chiefs of Leverkusen that you desired them to join that organization?

A Well here was the situation. I was approached with a request to fire my employees if they were not in the Labor Front. Now, of course, the Labor Front was a power, and in order to counter these difficulties and avoid them, I advised my employees to join the Labor Front. Above all, because as I said here at the very beginning of my testimony, I considered that the efforts made by the Labor Front, were quite good.

Q In that connection were you complimented by the German Labor Front in your educational work in connection with the Labor Front at Leverkusen?

A No, I was even rebuked by the Labor Front at one occasion.

Q All right. Now in connection with Hassfeld, who is merely identified as Gauleiter Hassfeld, whom you mentioned in a meeting of the Betriebsfuehrer, on the 12th of July, 1935, I would like to, - and in connection with this matter of the DAF, - we would like to introduce NI-7245, as Prosecution Exhibit 2065.

Q (By Mr. Sprecher) If later on, you should think who Hassfeld is, don't hesitate to interrupt me. Now.--

A May I be permitted to ask that this document be submitted to me?

Q You will have it during the recess, Doctor Kuehne. I am not going to ask you any further questions about it now. Your counsel will have an extra copy for you.

DR. LUERT: Your Honors, I ask to be permitted to put a short question to Mr. Sprecher in order to clarify this. Are the documents which are introduced by the Prosecution here, as Exhibits 2064, 2065, etc., to be considered as exhibits for the Prosecution, or are they only being put to the witness within the framework of the cross-examination?

THE PRESIDENT: I understand from the manner in which the Prosecution is presenting them that they are exhibits. They have not been marked for identification, so if they are not indicated as being for identification only, they will be considered evidence.

DR. LUERT: In that case, Your Honor, the only thing I want to say is, as the Defendant Kuehne has to eat lunch, I certainly will not have the opportunity to discuss the documents with him during the noon recess.

THE PRESIDENT: You can go as far as you can go on it and if you find yourself in trouble because of a lack of time to examine the documents, we will take care of that later.

DR. LUERT: Thank you very much, Your Honor.

Q (By Mr. Sprecher) Doctor, you testified on last Thursday, the 25th of March about a notice sent to the Leverkusen employees on 25 April 1933, concerning a rally to be held at the plant on the 1st of May, 1933. The document in question is our Prosecution Exhibit 82. Your testimony appears at pages 10103-9 of the English transcript. You testified that in the administration of the law for the order of national labor, it was your duty to assemble the workers on the 1st of May and your patriotic duty to make a speech to them. Did you make a patriotic speech to the workers

on the 1st of May, 1933, so far as you remember?

A Yes.

Q And was this done because you felt this was your patriotic duty underneath the law for the national regulation of labor?

A As far as I remember, it was the task of the plant leader to make a speech to the staff on every 1st of May. That was a regulation.

Q You testified that took place in the sense of the law for the order of national labor. Did you have that in mind at the time you made this speech, the first time in 1933?

A I don't know any longer whether that was the way I expressed it, I mean, the way you just said it. The only thing I can say is that it was a regulation issued by the Government and that I, as plant leader, with the scope of the law for the regulation of National labor, had the task to comply with this regulation.

Q The law for the regulation of national labor is in evidence as Prosecution Exhibit 393, PS-1861, Document Book 15, page 127. That law was enacted in January, 1934. Now, several documents including some affidavits have been introduced in this trial involving Carlo Ferrario of Italy, including, for example, our Exhibit 2005. Did you and Ferrario have a discussion with Mussolini during the war?

A Yes.

Q And at whose initiative was that conference with Mussolini arranged?

A As far as I know, the initiative was taken by Mussolini, who, on account of the intervention of Parodi, the great Italian industrialist, who was a friend of his, had heard that I had invented a new industrial process; in order to double the sulphur production in Sicily and in order to make good for the damages and prevent the damages suffered there by agriculture, Mussolini had taken an interest in that matter and Carlo Ferrario informed me that Mussolini desired to talk to me.

Q Did you get an award from Mussolini as a result of your conference?

A Yes.

Q Was that the so-called Commandatore?

A Yes, that was the title, Commandatore.

Q That was the same title which Ferrario had from the Italian Government, is that right?

A No, Ferrario had a higher rank. He was Grande Ufficiale, Grand Officer, if I remember well.

Q In connection with your mission, your conference with Mussolini, I would like to introduce in evidence NI-15026, as our Prosecution Exhibit 2066. This is your report to Dr. Schmitz concerning this matter and I think it lends a little clarity to several matters. Now, just after you had this talk with Mussolini, wasn't the Leverkusen Plant award by Hitler?

A Well, yes, but I don't know where the relationship is between that award and that visit with Mussolini. There was absolutely no connection.

Q Now, I have a question or two about the plans for extending Light Metal Production in the year 1935 and my questions will concern that topic and that year. At that time, were you aware that the Reich War Ministry, Reichswehrministerium was, demanding increases in alumina production?

A That is possible, but, as I told you before, to-day it is extremely difficult to make a distinction between what we knew at that time and what we learn here today.

Q Well, did you know at that time that the Reich War Ministry wanted all the increased production facilities which went along with the Light Metal Program to be concentrated in the so-called protected area in Central Germany? Perhaps that brings it to your mind.

A No, I can't recall that.

Q Now, is it true that Cryolite production of the Leverkusen Plant for the Reich owned VAW, that is, United Aluminum works, was very short of your schedule during the year 1935?

A That is possible, but there again I can't remember exactly.

Q Now, what about fluoric acid and hydrofluoric acid, which are used in the light metal program? Weren't there shortages in that commodity too, because of your light metal program which affected the Leverkusen plant?

A No, in order to speak of the last question there, not only Leverkusen but also quite a number of other plants produced cryolite and fluoric acid compounds and in Leverkusen, we produced only a small part of our fluoric products as cryolite for aluminum plants. The larger part was produced for our enamel dye and dye stuff, and you can imagine that as a plant leader, I could not deal with the details of such a small production.

Q You did know about a shortage of hydrofluoric acid in Germany because of the light metal program and the demands of the Wehrmacht, did you not?

A Yes; I don't know whether at the time that was the case, but I remember -- it must have been later -- I was invited to a meeting in the Reich Ministry of Economics because I had pointed out that fluorite deposits had to be found in Germany in order to meet the demand of fluorite compounds in Germany, but I do not remember at what period that was.

Q Well, in that connection, we will introduce NI-15025, which will become Prosecution Exhibit 2067. This is a letter from Meyer - Kuester, which is sent to you, among a total of four Vorstand members -- all of the others are since deceased -- and it is dated the 29th of October, 1935.

Now, we have several questions concerning the appointment of confidential agents, Vertrauensleute, for military economic and the Wehrmacht affairs after 1935 in the Leverkusen Plant and the plants of the Works Combine Lower Rhine. Who appointed these Vertrauensleute for the various plants of the Works Combine Lower Rhine?

A Well, the matter is a little bit complicated. I assume when you speak of these confidential agents you speak of the liaison men with the Armed Forces.

Q Like Dr. Warnecke at Leverkusen, your representative on Mob-Fragen and so on?

A Well, Dr. Warnecke substantially speaking was only the liason man with the Vermittlungsstelle-W.

Q And who was your man for working on mobilization questions?

A Well, yes it was Dr. Warnecke.

Q Now, didn't you appoint the man who held a similar position to Dr. Warnecke's in the other plants of the Works Combine Lower Rhine?

A No, no. I had nothing to do with those matters.

Q Didn't they check with you before they made the appointments?

A No, you have to imagine the development of those agents. First of all, the position was not given any importance at all. Herr Warnecke --

Q Dr. Kuehne, if you didn't do it, then we don't have to explain it, if you didn't have anything to do with it, you see. Now, didn't Dr. Gajewski talk to you about appointing a confidential representative for Wehrmacht affairs in the Dormagen Plant?

A Gajewski? No, I cannot recall anything at all, but --

Q Excuse me. Continue.

A But perhaps you mean something else. We had to report to the Wehrmacht at the same time, a nomination of so-called Abwehr Beauftragte, at every plant and these nominations had to be sent to the Wehrmacht by the plant leaders and then the Armed Forces Command, Muenster, gave the approval or disapproval just whether or not they liked the man.

Q. Perhaps I confused the two positions. I am grateful to you for pointing that out. Now, with reference to these liaison agents with the Wehrmacht agencies, did you have to appoint these Vertrauensleute, those confidential people, for the plants of the Works Combine Lower Rhine?

A. No, not for the plants of the Works Combine, but only for my own plant.

Q. In that connection, we will introduce NI-15005, Prosecution Exhibit 2068. This I will show you right now because it is quite short. It is a letter from Vermittlungsstelle-W to you, dated the 20th of December, 1935, and it mentions that Dr. Gajewski would like to have you tell him who is going to be listed as your deputy, your deputy, at the Dormagen Plant.

A. Oh, yes, but that is again something slightly different from what you asked me about a while ago. Maybe you heard here that Gajewski was the Chief of Sparte III. Now the Dormagen Plant was a rayon plant and Herr Gajewski therefore had a certain jurisdiction there and had a certain interest, naturally, to know who had been appointed to that specific position in that plant and that can be seen from this letter.

Q. Now, Dr. Martin Harnecke and Dr. Karl Dobmeier, D-o-b-m-e-i-e-r, were appointed by you in early 1937 as your principal deputy and second deputy for matters of dealing with mobilization questions, according to ter Meer Exhibit 78, ter Meer Document 277, is that correct?

A. Yes.

Q. Now, was it customary for representatives of Vermittlungsstelle-W to visit the Leverkusen plant from time to time in order to check over your so-called military economy files?

A. No.

Q. Now, were you informed by the year 1937 that the so-called war supply agreements and the subcontract agreements concerning important products at Leverkusen were to be included in the mobilization plans?

A. Only here and with great surprise have I seen that Leverkusen had for photostatic paper a war delivery contract, but I personally cannot

remember having been asked about it. Herr Warneke and Herr Dobmeier, one for inorganic material and the other for organic materials had to take care of correspondence and negotiations with the Government agencies I was often away on trips and it is possible that such a contract was received during my absence and as far as I see from the document, these contracts had only very limited importance.

Q. I wasn't asking you about the importance. I was asking you whether you know those things were to be included in the mobilization planning from information that was given you?

A. No, at least for the time being, according to my information.

Q. In that connection, we would like to introduce NI-15004 as Prosecution Exhibit 2069. This is a letter from Vermittlungsstelle-7 directed to your attention and dated the 17th of April, 1937. At the bottom, Dr. Jarnecke has placed his initials and notes that he discussed this memorandum with you on the 22nd of April. Now, Doctor, I have no further questions about that for the moment. We have a few questions concerning appointments to the Krauch Office in Berlin before the war. In 1936 or 1937, did you communicate with Krauch concerning appointments to the office for German Raw and Synthetic Materials?

A. I cannot remember well, but at all times I had a certain opposition against the Krauch Office, particularly as far as requirements and requests for experts from my plant were concerned.

Q. Describe why you had this opposition to a greater extent, please.

A. From the very beginning I was opposed to Herr Krauch's appointment or against his being placed at the disposal of the plants, and my attitude towards the whole Krauch office was always the same. On the whole I was an opponent of all Government agencies, because they always interfered more and more with the business of my plant.

Q. Now, in connection with any discussions you had on appointment to the Krauch office, does it refresh your recollection if I mention a discussion in which you recommended a Dr. Ruesberg, R-u-e-s-b-e-r-g, stating

that he would do nothing against the interests of I.G. Farben without good reason, if he were appointed to the Krauch Office?

A. Am I supposed to give you an answer or not?

Q. Does that refresh your recollection about recommending any appointments to Krauch?

A. I cannot recall the whole connection.

Q. All right. I will give you the document regarding it to save time; Prosecution Exhibit NI-15015 may go in as Prosecution Exhibit 2070. This is a letter from you to Dr. Krauch --

THE PRESIDENT: Just a moment. Just a moment. Haven't you jumped 2069?

MR. SPRECHER: No, I beg your pardon, Mr. President, NI-15004.

THE PRESIDENT: You are right.

MR. SPRECHER: -- was Prosecution's Exhibit 2069.

THE PRESIDENT: That's right.

BY MR. SPRECHER:

Q. (By Mr. Sprecher) Dr. Kuehne, this Exhibit 2070 is a letter from you to Dr. Krauch dated 27 April 1937 and we have a rather special interest in the phrase where you state that Dr. Ruesberg would do nothing that would go against the interests of I.G. Farben without good reason, and furthermore that you supposed that Dr. Krauch wouldn't have somebody in his office that was not from I.G. Farben.

THE PRESIDENT: The letter is short. Give the witness a chance to look at it.

A. Yes, I have read that letter, but just from the wording of this letter and from this sentence, you will be able to read between the lines, namely, that I was opposed to surrendering any I.G. employees, that is my employees, because I said "maybe it is not disagreeable for you to get some other people for once" and from the first paragraph you can see that Dr. Feise had requested me to play the intermediary and see to it that Herr Ruesberg would be sent to the Krauch office. Herr Feise made it a point to have one of his people in that office and I tried to dissipate

possible misgivings of Herr Krauch by saying this man would not do anything against the interests of Farben.

Q. Now you testified concerning applications that you had made, beginning, I believe, with the year 1936 or 1937, to obtain priorities for certain building materials for a stone storage building for certain pharmaceutical products at the Leverkusen Plant. That's also mentioned in your Kuehne Exhibit 17; were these warehouses included as a part of the storage problem of the mobilization planning, or don't you remember?

A. No, that wasn't the case.

Q. Now, why did you want to have a stone building rather than a wooden building, merely because of fire hazard?

A. Yes, all our pharmaceuticals were stored in some of the oldest buildings of Leverkusen. These buildings had quite a bit of wooden construction and thus they were greatly exposed to the fire danger. Therefore, it was always my desire to have these buildings replaced by stone buildings and besides that during the years after 1933 the production of these pharmaceuticals increased and it became necessary at any rate to extend these buildings.

Q. You didn't consider the question of the type of construction with reference to the possibility of air raid damage in the event of war, is that your testimony?

A That as well, yes, but for general reasons of danger of fire just the same.

Q In connection with the air raid which finally did take place in 1941 in Leverkusen, we would like merely to introduce without any comment your explanation of the matter to Dr. Krauch which was made on the 10 of June 1941, pointing particularly to the first sentence of the second paragraph where you mention difficulties which might possibly arise later, which you had foreseen in November 1937. That is NI-15014 and may go in evidence as Prosecution Exhibit 2071.

Now, there has been considerable testimony in this case concerning whether or not the so-called motorization program in Germany before the war was considered an essential part of the German rearmament, and as to what the state of mind of a number of people were about that so-called motorization program. Now, so far as you, yourself, are concerned, isn't it true that you stated before the war that the armament and the motorization of Germany went hand in hand?

A Motorization and armament went hand in hand you mean?

Q Yes.

A Well, I don't know how I have to understand that. What do you mean by that?

Q Well, did you relate at the time the autobahns and the so-called motorization program as to the rearmament of Germany?

A No; before 1933, I had even drawn up a letter to Hitler. It's true I didn't send it. In that letter, I suggested to Hitler that autobahns be built in Germany, but I never connected them with any kind of armament at all.

Q Why didn't you send this letter to Hitler?

A Well, later on, I considered it a little bit forward to send that letter.

Q Was this before or after Hitler became Reich Chancellor?

A No, that was already before. In Germany, we had that tremendous unemployment, and I considered such a project not only a

means to create working but also to save foreign currency by saving rubber, gasoline, etc. by the building of these autobahns.

Q Whom did you discuss the writing of this proposed letter to Hitler with before you drew it up?

A With nobody.

Q Were you seeking the support of the Nazi Party for a motorization program at the time or for assistance to the Launa plant which was in some difficulty before 1933?

A No, not in the slightest.

Q Now didn't you make it plain before the war that the Four Year Plan went hand in hand with the rearmament of Germany?

A Went hand in hand with the rearmament? No. According to my opinion, even if we had undertaken no rearmament, the Four Year Plan--that is, an autarchy unfortunately was necessary. The devaluation of currency of other countries slowly but surely blocked our markets and therefore blocked also the possibility of our obtaining rawmaterials, and in spite of the fact that basically speaking I am an enemy of autarchy, it was the command of necessity at the time. However, it had no connection with rearmament.

Q In that very connection, we will introduce NI-15013 as our Prosecution Exhibit 2072. I am only going to point out to the Tribunal that we are merely introducing the extract from Page 2, the full paragraph which has to do with motorization, the rearmament, military preparedness, the German oil supply, the Fischer-Tropsch process, and so on. The rest of it--

THE PRESIDENT: Do you make any distinction between military preparedness and rearmament, or is that the part that you rely on, which says military preparedness?

MR. SPRECHER: I merely mention it so that the German Defense counsel principally, Your Honor, could know what paragraph we are principally relying upon in this connection. I think you indicated that you wanted us to do that where possible, so that we can

conserve some time.

THE PRESIDENT: Vary well.

BY MR. SPRECHER:

Q I don't think that the word one way or the other is a determinant here. The main thing is the state of mind.

Now we have a very few questions concerning mobilization questions, the Four Year Plan and the chemical plants in Austria which fell underneath Donauchemie after 1938 where you were the General Director. My questions relate to the period after the occupation of Austria in March 1938 and the outbreak of war in September 1939. During this period, did you take up with Dr. Pohland, P-O-H-L-A-N-D, of Krauch's office the project of having Donauchemie erect a sulphuric acid factory at Moosbierbaum?

A Yes.

Q Now during this same period, did you agree that the plants at Donauchemie should be included within the general mobilization plan?

A I cannot recall that, but it might be possible that I pointed out that the sulphuric acid plant could be necessary for the new rayon industry which was being set up there.

Q Well, Skoda-Wetzler also had something to do with the production of powder, didn't it? Explosives?

A No, no.

Q Didn't the government build a rather large explosive plant a very short distance from I.G. Moosbierbaum during the war?

A No. I recall that the armed forces had a depot there and I believe an ammunition depot too, but not an explosive factory.

Q Now in connection with mobilization plans of Donauchemie, did you send Dr. Warnecke down to Austria in order to get those things in proper order during the year 1939?

A I cannot recall that.

Q Did you know whether or not Donauchemie received its

instructions from Leverkusen to propose or to prepare deferment schedules for the workers who would be indispensable during a possible war, less than six months before war actually broke out, or don't you remember?

A I cannot recall that.

Q Did you know that certain deadlines had been established with respect to fixing the mobilization tasks for certain of the products which Donauchemie did produce in 1939?

A 1939?

Q Yes.

A I cannot recall that Moosbierbaum produced any materials at all which might have been of importance for mobilization.

Q Now what about the plants of Donauchemie as a whole, not only Moosbierbaum?

A Even about the other plants it's the same. The only thing you could talk of would be Landeck where ferro-silicium was produced to a certain extent in lieu of ferro-carbide.

Q In this connection, we will introduce NI-14750 as Prosecution Exhibit 2073. This is a letter from Dr. Warnecke in Leverkusen to Dr. Gorr of the Vermittlungsstelle-W in which he talks about certain discussions with you and certain plans for Donauchemie plants in connection with Mob planning, dated 3 of March 1939. Now we'd also like to introduce in that same connection NI-14747 which will become Prosecution Exhibit 2074. Now, yesterday you spoke about Donauchemie having little or nothing to do with the Four Year Plan. Did you know that Skoda-Wetzlar, one of the sub firms affected by the Donauchemie organization, applied to the defendant von der Heyde to get it its number for identification within the Four Year Plan—or rather to get a number of identification within the Four Year Plan because of the new sulphuric acid plant at Moosbierbaum?

A That might be possible because at that time it was extremely difficult to get material for building projects, and we had

laid the foundations for that factory. I have mentioned already yesterday that we had started in 1938 and had finished the project only as late as 1943. There, of course, it's possible that in order to get materials we pointed out a certain importance for that project.

Q Well, did you have the idea that the authorities at that time were of the opinion that the entire planned expansion of Donauchemie was really not important within the scope of the Four Year Plan?

A Mr. Prosecutor, that went in one direction and the other during those years. At one occasion this sulphuric acid installation was considered extremely important, and then perhaps two months later we would receive information: "No, we have no further interest in that matter." Then later again we received instructions that we would have to push on that matter immediately and finish it. That was the way at that time.

Q We'd like to introduce NI-15006, Prosecution Exhibit 2075 in this connection. This is a letter from Skoda-Wetzlar itself, dated 4 January 1939 to the defendant von der Hayde in Berlin. Now yesterday you spoke of the air raid exercises or map games at Leverkusen. You testified that you didn't take these seriously at the time because you didn't believe that war would come about since the reoccupation of the Rhineland in 1936 was conducted peacefully. What did you mean by saying that the reoccupation of the Rhineland was conducted peacefully, Dr. Kuehne?

A We who were on the Rhine not far from the Maginot Line, which then was described as terrible, were afraid that there would be an attack by the French, and when that attack did not take place, I was reassured and I thought, "Now we won't have a war at all."

Q Did you consider the occupation of the Rhineland a part of Hitler's so-called "bluff politics?"

A No, I didn't consider that as bluff politics. I was proud as a German that the Rhineland had again properly been returned to German sovereignty and that all these restrictions had now been done away with.

Q You testified that you were a pacifist. You testified that you always felt that certain statements of peaceful intentions by Hitler were made sincerely and that you never thought that Hitler was foolish enough to conduct a policy of force. Did you believe this to be true even after the occupation of the Rhineland in '36, Austria in 1938, and Czechoslovakia in 1938 and '39 -- all against international treaty and all by the use of force?

A Just because I was a pacifist, I considered the evacuation and the clearing of points of friction between Germany and the other powers the best means to establish a permanent peace. For instance, I would have desired that the corridor be returned to Germany in time because then we wouldn't have had any disputes with Poland. Austria has not been a problem for me. Even today I consider Austria a part of Germany, and today there is again a strong movement in Austria for an Anschluss to Germany. The Sudeten part of Germany was only a problem of pacification for me; in other words, that is completely in line with pacifism.

Q Well, did you include within your definition of pacification the movement of German troops in violation of international law?

A Movement of German troops where?

Q I am asking you a general question.

A Well, yes ---

THE PRESIDENT: Just a moment. That question won't help us any. The movement of troops abstractly being a violation of international law hardly needs any argumentation.

BY MR. SPRECHER:

Q I will withdraw the question since an objection has already been made by the Tribunal. Now before the invasion of Poland in September 1939, did you ever express yourself as opposed to any of the foreign politics of the Nazis?

A As long as it used peaceful means, I saw no reason to find a contradiction in them.

Q Then your testimony is that you didn't make any criticism of any of the foreign policy measures of Hitler before first of September 1939, is that correct?

DR. LUMBERT: I would like to object to this question. It's far too general and the witness cannot be in a position to answer it by "yes" or "no" unless it's more specific.

THE PRESIDENT: That objection is sustained. I don't know what the question would establish if it was answered either way. Ask another question and make it more specific if you can, Mr. Sprecher.

BY MR. SPRECHER:

Q Did you express any criticism -- well, I will withdraw that. There has been some affidavits introduced by you, by your counsel, and you have made certain statements about deploring the policy of force of Hitler. When did you consider that Hitler launched upon a policy of force?

A Well, the very moment he started this policy of force.

Q That is when we want to know from you. When did you think that was?

A Well, the date I can't give you.

Q Well, Poland was invaded on the first of September 1939. Does that help you decide whether it was before that time or after that time that you thought he had launched upon a policy of force?

A The invasion of Poland surprised me as much as every other German.

Q Just a second, doctor. I am not asking you as to whether or not you felt surprised or not surprised by that particular act. You have introduced certain documentation and you have given certain testimony about deploring a policy of force by Hitler. I am asking you at what time you recognized Hitler's policy to be one of force: before or after the first of September 1939?

A In the moment when he started this policy of force, that is when Poland was invaded.

Q You didn't consider a policy of force to be involved with respect to the occupation of Czechoslovakia; let's say, even Bohemia and Moravia in March 1939? You didn't consider that to be force?

A Bohemia and Moravia? No, no. I mean the Sudetes: no; Czechoslovakia: yes. I would have told you that also when you spoke about Poland. If you had asked me about Czechoslovakia. I would have given you that answer already then.

DR. LUMBERT: May I clarify here for the record that if the witness speaks of Czechoslovakia now he apparently means the Protectorate of Bohemia and Moravia without the Sudetes country.

THE PRESIDENT: He made that clear.

Q Now, is the difference then in your definition, a question of whether or not the use of German troops effected an end you thought desirable, or whether it effected an end which you didn't think was desirable? Is that the difference?

A Well, I am not a politician and I am not a general staff expert either, but I can well imagine that when Austria was incorporated into Germany, it was only a matter of precaution to station German military forces there, because after all clashes with some kind of opposing elements, particularly of the left wing, could occur; and on the other hand, if I remember well, Italy's attitude was not at all clarified yet. But I heard that these troops were given flowers at the border and that with these flowers on the muzzles of their guns they entered Austria.

Q Your Honors, I think when you start to read some of Kuehne's documents including Kuehne's Exhibit 38, you will partly appreciate why this is directly connected to the documentation submitted by the defendant, quite apart from his state of mind as to what constitutes aggressive policy.

THE PRESIDENT: Well, Mr. Prosecutor, don't you think that is argumentative? Your remarks, I'd say, are pretty highly argumentative, aren't they? Just in the interest of time, ask your question and we will read the documents.

BY MR. SPRECHER:

Q You testified that certain Germans were arrested after the First World War for attempting to take certain documents or trade secrets to the United States. Was it necessary for those Germans to have those papers in order to give the trade secrets involved to the foreign representatives then interested?

A Mr. Prosecutor, the reason was to punish people who had committed a crime. It wasn't so much in our interest ---

Q Well, I wasn't trying to say it was justified or not justified; I was merely saying to you whether or not these German scientists who had worked in a Farben plant -- they had worked in a Farben plant, had they not?

A Yes, yes.

Q Was it necessary for them to have these papers in order to carry these secrets abroad?

A You mean for these people whom we had arrested?

Q Yes.

A Well, these people had not the experience necessary in all these fields, and what they wanted was to create a good position for themselves across the ocean by bringing recipes which might not be known there.

Q Now you testified that you refused to give certain information on your travels abroad to Colonel Focke, F-o-c-k-e, of the Army Intelligence.

Did anyone threaten you with prosecution for high treason because of this refusal?

A I wasn't exactly threatened, but I did know that such reports had to be given. Besides that, Major Focke -- I don't know in what way -- but at any rate he used some sort of threats; but in fact I didn't surrender anything.

Q Now, in connection with some of your documentation concerning dock installations at Moosbierbaum in Austria, isn't it a fact that the planning these dock installations actually was done very closely with the army military authorities because of their military utility?

A You mean dock installations -- do you mean the Dynamit-Aktiengesellschaft, DAG?

Q No, I mean the dock, quay. Das ist "Kai" auf deutsch auch.

A Oh, the dock installation, the Kai in German. Well, this quay installation I started only in the industrial interest of Moosbierbaum but I know what your question is aiming at: probably at the subsidy I asked from the Wehrmacht when the Wehrmacht approached Moosbierbaum with the question of whether for the unloading of this depot which we have referred to before, which was, I think, two or three miles away from Moosbierbaum and whether for the unloading of these depots they could use our dock installation. And there, of course, in the interest of my plant I immediately made the attempt to receive a subsidy to the construction on this expensive dock installation.

Q And the military administration did give you financial assistance in that connection?

A No, no. I think --

Q It wasn't finished but that was the plan?

A That was my intention, yes.

Q Now, isn't it true that the aluminum program during the war again caused in Austria, with respect to the magnesium plant, the same problems with respect to hydro fluoric acid and that you had to take that question up in connection with the demands of the Wehrmacht for aluminum in Austria?

A No, not I. I already mentioned that I was glad to have the magnesium plant, which Farben was to construct in Austria, in Moosbierbaum. We were constantly in despair how we could maintain the plant. As far as I know, it had nothing to do with cryolite at that time.

Q Well, did you get the materials for the expansion in Austria

because they were useful in connection with carrying on the war?

A I didn't receive any material. The material was procured by Bueteffisch and Duergin, while I, myself, had no connection with the installations. I only was glad that I could lease some land to these installations and that I could obtain a financial subsidy for the construction of my dock installations.

R. SPEECHER: In that connection we will introduce IT-15001 as Prosecution Exhibit 2076.

BY MR. SPEECHER:

Q Now, was there not a tire testing plant at Leverkusen set up after 1939 where you used tire equipment which had been taken from the Polish rubber plant after the invasion of Poland?

A I personally was not at all connected with either the construction nor the contracts referring to this installation. That was construction to be undertaken by request of the Wehrmacht in connection with the experiments made at our Buna Laboratories. Leverkusen only leased buildings for these constructions, while the Wehrmacht placed as installation from Poland at our disposal and brought it to Leverkusen. But this installation remained the property of the Wehrmacht, but I personally was not connected with the matter. In the Aufsichtsrat of the small company founded for that purpose, Herr Meier and Konrad joined as members.

Q I.G. had a share participation in that company, did it not?

A Yes, a joint stock company, was founded for that purpose with a small capital, as far as I remember; and this company was in charge of the installation.

Q Now, just two questions in connection with Farben's acquisition of Skod-Wetzler's share. The first question refers to the period just immediately before Anschluss, specifically, the second of March 1938. Didn't you know that at that time I.G. Farben was willing to accept a minority participation in Skoda-Wetzler and allow the Austrian group 51 per cent provided that Farben could not be out-voted on certain specified questions by the Austrian group?

A Yes.

Q Now, after the Anschluss the matter first developed that the Austrian group was to be allowed to participate in the profits of the Skoda-Wetzler. Is that correct?

A Well, with regard to the intermediate negotiations, I have no recollection because I didn't take any part in them.

MR. SPEICHER: All right. Now I want to introduce NI-14744 as Prosecution Exhibit 2077. That is extracts from the minutes of the Chemical Committee of 2 March 1938 in which you and some of the other defendants were present and then I'd like to introduce Document NI-14743 as Prosecution Exhibit 2078. This is an extract from the next meeting of the Chemical Committee in April 1938 where this development is described and it is mentioned here that the Chemical Committee agrees.

BY MR. SPEICHER:

Q Was that agreement with respect to what Farben's position in Austria should be? Was that agreement a decision or was that merely a recommendation, Dr. Kuehne, to the Vorstand?

A Well, you have to take into consideration that that is already ten years back. I had a very good memory at an earlier date but unfortunately I am already 68 now and my memory is fading out a little bit. I cannot recall all those details.

Q My point was intended to be more general. If the Chema came to such an agreement on a question of participation in a firm, was that considered as a decision or was that merely a recommendation to the Vorstand?

A No. Well, in the last analysis, if the experts in that were—and we were experts—if we took a decision, then the Vorstand would not go on discussing it.

Q Now, concerning Prager Verein, you testified on the friendly spirit which governed your relations with Prager Verein both before 1938 and during the sales negotiations in the latter part of 1938. In

this connection your counsel introduced and you personally quoted from an affidavit given by Mr. Meyer who is the director-general of the Prager Verein up to 1936 and who thereafter emigrated and became a United States citizen.

MR. SI ECHER: We shall now introduce into evidence an affidavit of Dr. Meyer's successor, Dr. Antonin Pasch, who is also a United States citizen at the present time and who was director-general of the Prager Verein during the time when the negotiations took place in 1938. This is NI-13556 and it will become Prosecution Exhibit 2079.

THE WITNESS: May I rectify an error that occurred to you? I don't think that I or my lawyer said that Meyer became an American citizen in 1936.

MR. SPEECHER: No, no; it is impossible under the law. We quite appreciate that.

BY MR. SPEECHER:

Q Now, in your testimony you also quoted from a letter allegedly written by Prager Verein to I.G. Farben on the 7 of December 1938. That is the day when the sales contract was signed by the parties. Now, you will be shown our Exhibit 1467, that is NI-10724, which we have already introduced in evidence in connection with the Dvoracek. The examination will be found at the transcript English Page 3530. Is that the letter you had in mind, Dr. Kuehne?

A That is the draft. The letter that actually was written, however, according to my recollection, is similar to this one.

Q Now, do you know who drew up that draft, Prager Verein or Farben?

A No, I cannot imagine that Farben would draw up a draft like that. How can you think that a representative like the director-generals of the Prager-Verein would let themselves have a draft submitted by the I.G.?

DR. LUERT: Your Honor, before the noon recess I ask to be permitted to ask a short question. A while ago it was clarified that

those documents submitted here by the Prosecution are exhibits and are in evidence. Therefore, I do think that we have here a combination between cross examination and rebuttal because the submission of real exhibits in evidence is apparently a rebuttal. Now I am quite ready to renounce my noon meal today but I don't know whether I can ask the defendant Kuehn to do so because he has a very strenuous cross examination behind him considering his health. My suggestion would be that I think I have still forty minutes for later submission of evidence for my time. Now, I wanted to ask the Tribunal whether the Tribunal would agree that I combine my remaining evidence time with the answer to the rebuttal and very few questions which I am only putting to Defendant Kuehn in redirect.

THE PRESIDENT: Counsel, we appreciate the fact that a number of documents have been submitted here with respect to which you have the right to familiarize yourself. We realize also that you cannot be expected to do that during the noon hour and eat your meal. In addition to that we know something about the physical condition of this defendant.

May I suggest that at the noon hour you consult with Judge Hebert and perhaps you and he can work out an agreement as to the time that will afford you an opportunity to study these documents, and then dispose of this matter at the earliest practical opportunity so as not to unduly delay the matter from our standpoint.

I say to you also that you are correct in the procedure that we are now indulging, and which seems to not be highly objectionable to anyone, is a combination of cross examination and the anticipation of rebuttal. In that connection I take the liberty of suggesting to you and to counsel for the Prosecution that it is appropriate to consider whether or not some of these documents would be even proper as rebuttal or might perhaps have been proper only in the Prosecution's case in chief. In other words, we don't want, by indulging in this doubtful and loose practice, to open the door to retrying the Prosecution's case and they should not, under the pretext of rebuttal, bring

in evidence that should have been brought in in the first instance.
I express no opinion about that, but that I think in fairness to you
and the Prosecution it is proper to mention that matter.

THE PRESIDENT: We would suggest a re-examination of your calculation.
According to our rough estimate you should finish in about twenty-five
minutes altogether after lunch.

The Tribunal will recess until one-thirty.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 31 March 1948.)

DR. HANS KUEHNE - Resumed

THE MARSHAL: The Tribunal is again in session.

DR. NELTE (for Hoerlein): Your Honor, the General Secretary wants to return to me Hoerlein Document 144 which I offered this morning as Hoerlein Exhibit No. 108. This document is part of the motion which I made this morning.

THE PRESIDENT: Dr. Nelte, I am responsible for that, I suspect. I told the Secretary that he might either return it to you or hold it in your files. I was only concerned about not getting it misplaced until we get our translation. May I ask you, is the document in German?

DR. NELTE: It is in German and in English.

THE PRESIDENT: Very well. It had better perhaps be processed along with your motion. I was only concerned that we might misplace it and then, when you needed it, you wouldn't have it and I thought perhaps you might want to retain it until the matter is called up. But if it is to be translated and processed let it go with your motion and leave it with the Secretary and we will get them both at the same time then.

DR. NELTE: Your Honor, you will only be able to understand my motion if you are in possession of these documents.

THE PRESIDENT: The only point of it is this, Dr. Nelte: I don't want to take the responsibility of saying that the document is or is not in evidence until we see it and the Prosecution has it. Now, we understand that you are offering the document as a part of your motion and if you will leave it with the Secretary, have it translated, and then we will pass on the admissibility of it at the time we call the matter up.

DR. NELTE: Very well, your Honor.

CROSS EXAMINATION (Continued)

BY MR. SPEECHER:

Q. Dr. Kuehne, I think we had left matters that you were asking me

how Farben could have drawn a draft of a letter which was sent by Prager Verein.

MR. SPEECHER: In that connection we wish to offer from the Farben files on this matter a letter found just beside this draft which you included. That is our Document NI-10723 which will become Prosecution Exhibit 2080. This is a letter signed by Kersten of Farben on the 12 December 1938 to Mayer-Wogelin.

You will notice that this letter mentions under Item 3 that Kersten is enclosing with this letter, I quote: "A draft of a letter which Prager Verein of Prague will address to I.G. Farben."

Mr. Van Street will continue.

BY MR. VAN STREET:

Q. Dr. Kuehne, you released the management of the Leverkusen plant to Haberland as of 1 August 1943; is that right?

A. Yes, that is right.

Q. And you relinquished the remainder of the Lower Rhine leadership at the end of December, 1944. Is that not right?

A. Yes, officially that is true, but in fact since October 1944, I was no longer at Leverkusen.

Q. Yes. Now, you still continued to attend the directorial conferences at Leverkusen, did you not, up until July or August 1944?

A. Yes.

Q. Now, Dr. Kuehne, in the meetings which you attended subsequent to the first of August, 1943, you were not able to note any change in the social welfare policy which had been in effect prior to 1 August 1943; is that right?

A. I now see your question. Firstly, I didn't attend all the meetings. For instance, I didn't attend all of the technical management meetings and consequently I didn't learn of everything that went on. Naturally I was still interested in my old plant, but Dr. Haberland, in the final analysis, bore the responsibility and I naturally didn't intensively concern myself with the current affairs.

Q. I am simply asking you this: that in the meetings which you attended subsequent to 1 August 1943, was it not your observation that Dr. Haberland continued the same policies on social welfare matters and management which had been in effect during your regime?

A. Dr. Haberland continued the same policy, but Dr. Haberland had even less time than I because he simultaneously retained the management of the Verdingen plant as plant manager.

Q. Now, Dr. Kuehne, did you not consider it one of the aspects of involuntary employment to report workers to the authorities who did not return from leave?

A. There were regulations concerning that possibility. Personally, I didn't only concern myself with the question of foreign workers but also with the question of German workers and I always rejected any voicing of any of our troubles towards the outside. I always issued directives to deal with the matters internally at the plant.

Q. Now, you followed the practice at Leverkusen, did you not, of reporting workers who did not return from leave?

A. No. There was no practice exercised to that effect but it may well be that the persons responsible for reporting such people, now and again did report to the labor offices. If such people stayed away from work we had to find a substitute for them and then, of course, the reason has to be stated why the replacement became necessary.

MR. VAN STREET: In that connection, I would like to offer NI-11713 as Prosecution Exhibit 2081; NI-14029 as Prosecution Exhibit 2082; NI-14030 as Prosecution Exhibit 2083.

THE PRESIDENT: I am sorry, Mr. Van Street, there seems to be some confusion. We have two copies each, I think, of NI-11713, and neither of the others that you have mentioned.

MR. VAN STREET: They will be coming up, I feel sure, Your Honor.

THE PRESIDENT: Thank you. Just a moment, until we get these numbers on our exhibits now. What is your Exhibit 2082, please?

MR. VAN STREET: NI-14029 will become Prosecution Exhibit 2082.

THE PRESIDENT: And is 14030 to be Exhibit Exhibit 2083?

MR. VAN STREET: Precisely.

THE PRESIDENT: Thank you.

MR. VAN STREET: Your Honor, I think no comment on these documents is necessary at this time. They are documents which deal with the indications that there were reports made by Leverkusen officials on non-returns from leave.

BY MR. VAN STREET:

Q. Now, Dr. Kuehne, I am now referring to Prosecution Exhibit 1386, NI-1071, Document Book 70, English Page 98 and German Page 163, and I am having handed to you a German copy of this. Now, this is the minutes of a factory administrative committee meeting and in the first paragraph thereof the subject of furloughing of Poles is discussed. I quote: "The furloughing of Poles is officially so regulated that furloughs can only be granted in exceptional cases such as death or serious illness in the immediate family. On the basis of a previous decision of the factory administrative committee we have, nevertheless, made no use of this possibility in Leverkusen, because it was feared that a part of these people would not return. Since other enterprises in the vicinity give furloughs to their Poles, and the Poles themselves, in some cases, know about the official regulations on furloughs, this position cannot be maintained in the long run and the procedure in the future is to be according to the official regulation."

Now, Dr. Kuehne, I ask you very simply why did you at Leverkusen refuse to give leave to Poles when you could have done so within the official regulation and, as a matter of fact, other plants apparently in the vicinity were doing that?

A Counsel, during my direct examination by my counsel, I pointed out that matter and I think that you will find all the necessary information in the affidavits I submitted. This concerns an incident after my time. It is dated the 16th of March 1944. However, I tried to clear up this matter which was incomprehensible to me. We have submitted documents to the effect that this decision was actually never put into effect. Moreover, this factory administrative committee was a committee which sat without the participation of the management and about the decisions of which the management was not always informed, but as I said before, I wasn't at Leverkusen at the time. I do hope, however, that the documents will give you all the necessary information you need.

Q Well, Dr. Kuehne, was it your practice and policy at Leverkusen to report on matters in official committees like the factor administrative committee - on matters which had no cognizance or affect in the factory?

A I didn't get the import of your question. Would you perhaps repeat it?

Q This matter of furloughing Poles seems to have been discussed quite completely and fully in the document which I have referred to. I am simply asking you, was it the policy and practice at Leverkusen to have these matters reported on in official committees like this, when they were of no importance, apparently? That is, the reports.

A You mean that they should be reported to the management because, otherwise, your question would be incomprehensible.

Q Well, were they reported to the management?

A Generally yes. Naturally. But I was no longer there at the time.

Q Was it your policy at the time when you were there, prior to August 1, 1943?

A I believe that I made myself very clear during my testimony that personally I concerned myself very thoroughly with all labor questions.

as far as my time permitted.

Q Dr. Kuehne, you can believe my sincerity. If some of these things weren't somewhat incomprehensible to us we would not be asking you questions on them. We are simply trying to clarify these matters and bring them into a sharp focus for the benefit of all parties concerned, more importantly the Tribunal.

DR. LUMBERT (Counsel for the defendant Kuehne): May I draw your attention to one point? The reply to the question by Mr. Van Street can be seen from document 97, an affidavit of Dr. Morsch. This is the affidavit to which Dr. Kuehne referred and it deals with vacations granted to Poles.

THE WITNESS: Counsel, I am quite prepared to answer all your questions because I too am interested in having everything clarified before this Tribunal. I have nothing to hide, but in this case it is just as important what one says as it is how one says it.

BY MR. VAN STREET:

Q Dr. Kuehne, how many instances do you remember in your own experience where furloughs were given to Poles at Leverkusen?

A Well, I hardly can give you the individual cases. I only know, as a result of conferences I had with my plant managers, that there was a continuous controversy between the desires of my plant leaders and the official regulations to the effect. My plant leaders wanted to give the Poles as much furloughs as possible, but the authorities tried to restrict it.

Q I am very sorry, but your last point makes it necessary for me to come back again to this document. If I understand this document correctly, it specifically says that the furloughing of Poles is officially regulated that furloughs can be granted in exceptional cases such as death or serious illness in the immediate family. Then, the latter part of the paragraph says in reference to Leverkusen's position: "This position cannot be maintained in the long run and the procedure in the future is to be according to the official regulation." That would

indicate that your policy was contrary to the official regulation. That is, that you were not furloughing the Poles, if I understand it.

A Counsel, I may tell you that when I read that document I was very much disgusted at its contents. It is entirely incomprehensible to me now, considering the general attitude adopted at Leverkusen, any such decision could ever have been made. I assume that perhaps it may be an awkward formulation, because actually that was never put into effect.

Q Dr. Kuehne, in your direct testimony you indicated that Leverkusen did not get workers through the red slip action because Leverkusen was not an armaments plant. I now refer to you Prosecution Exhibit 1371, NI-5765, Document Book 70, English page 21, German 34. This document represents the minutes of a directorial conference at Leverkusen.

A I have the document before me.

Q Thank you.

Now, here on the 3rd of October 1944, it is said, and I quote: "By order of the Reich Defense Commissar, Leverkusen was to supply 76 masons for concret work at the Western Wall. By referring to the ordinance of Speer that specialists must not be drawn from the armaments industry for the construction of field works, it could be attained that only inexperienced laborers, namely female Eastern workers, would be given up." Now, I go back again to your testimony to the effect that applications via the red slip action were not productive because Leverkusen was not an armaments plant.

A I beg your pardon. I think I looked at the wrong document.

Q I am referring, Dr. Kuehne, to Prosecution Exhibit 1371, NI-5765.

A Yes, I have it now. Would you please repeat your question now?

Q You remember your testimony that applications for workers via the red slip were not productive because Leverkusen was not an armaments plant? In the document which you have in your hands a Speer

ordinance is cited and Leverkusen is referred to as an armaments plant. I now ask you, how could Leverkusen not be an armaments plant in the sense of the red slip action and an armaments plant in the sense of this Speer ordinance?

A At first let me point out to you that this was a technical management conference which I did not attend because that took place long after my time at Leverkusen. It is dated the 3rd of October 1944 and I am not mentioned as one of those present. I can merely tell you that, according to my recollection, at any rate during the time I was in charge and, as far as I know, right up until the end of the war, Leverkusen only produced vital and essential products, as they were called. How the gentlemen in this document here refer to an ordinance by Speer I really don't know.

Q In other words, you can't explain that apparent conflict?

A No, I'm afraid not.

Q Now, Dr. Kuehne, yesterday, in answer to a question by your counsel as to whether or not children were employed at the Leverkusen plant you stated that during the time you were in charge of the Leverkusen plant, you could not remember that children were at the foreign camp of Leverkusen. I now refer to you Prosecution Exhibit 1371, the same one that you have in your hands. Now, this is a report on the directors' conference in Leverkusen of 13 January 1942 which you attended. In that meeting, Dr. Beyer suggests that the subsistence deduction from the payroll of Polish juvenile workers be examined by the social department. I now ask you, would not that mean that Polish juvenile workers were employed in Leverkusen at that time?

A Juvenile workers cannot be considered children. We considered juvenile workers to be young people from the age of 18 to 25. At that time there were no children at Leverkusen. At least, no foreign children.

Q In other words, it is your testimony that all of these were 18 or over? Is that right?

A Yes, according to the usage of the word I must assume so. Approximately 18 years. I may be mistaken by one year or so.

Q Now, you have testified to the effect that Russian workers were treated well at Leverkusen and, as a matter of fact, there has been similar testimony on the part of the other defendants. I now am having handed to you Prosecution's Exhibit 1374, NI-8995, Document Book 70, English 46, German 104. This is a copy of a report by a Dr. Fuerst, F-u-e-r-s-t, of Vowi, on a lecture tour which he made on the Eastern Front. On the first page of this document he states: "The subject was the part played by the chemical industry in the waging of the war." And on the third page he states, and I quote: "I used to wind up my talks by emphasizing the part of coal and electricity in a large scale chemical program and the importance of foreign labor for maintaining and extending production." Then, on page 8 of this document, he asks or he states: "I was expressly asked by responsible quarters to point to the fact within the firm, so far as it is possible to me, that many things, happening in the home land in the treatment of the Eastern workers, cost German blood out there." Now my question, Dr. Kuehne, is, if Russian workers were treated so well, why do you think it would be necessary for responsible people in the German Army to ask a representative of Farben to point up the importance of good treatment to Russian workers?

A But, counsel, it is not stated in this document that these people were badly treated by Farben, but it is merely stated that it should be pointed out to the firm, that is Farben, that what happens to Eastern workers in the home country will cost German blood outside at the front. In other words, we were asked to spread the word around industry to treat their people well, but not one single mention is made that Farben didn't treat their own workers well. Beyond that, that was a gentleman who was very alien to the plant. I didn't know him at all and there was considerable indignation in Farben because this gentleman was traveling around the Eastern Front and, to a certain extent representing Farben.

Q. Well, Dr. Kuehne, if it had no applicability at all to Farben why do you think that Dr. Fuerst even went to the trouble of incorporating this matter into his report?

A. Well, I don't know everything and it's possible that there were firms in Germany where the treatment wasn't as well handled as in the case of Farben. Apart from that, these are merely opinions expressed by some front line officers.

Q. Dr. Kuehne, did any Vorstand member succeed you as Chief of the Works Combine Lower Rhine? That is, after you relinquished it at the end of December 1944?

A. Mr. Haberland was to become Vorstand member. That was a decision by the Vorstand, but the Vorstand cannot appoint any other Vorstand members. That was a matter for the Aufsichtsrat. The Aufsichtsrat at the time, however, because of the difficulties of transportation and travel, could not meet and that is how Dr. Haberland, quite fortunately for him perhaps, did not become Vorstand member, because if he had become one, you would have brought him here too. Who knows.

Q. Dr. Kuehne, yesterday you testified that the Russians were interested in the prevalence or the existence of lice, for health reasons. Now, did you know that it was ascertained by the Central Inspectorate for Foreigners - that's a government agency - that the accommodations in general at Leverkusen contained quite an amount of vermin?

A. No. When was that established?

Q. I am handing you Prosecution's Document, Exhibit 1390, NI 8992, Document Book 70, English 111, German 179. I am referring, Dr. Kuehne, to Section VI - Living Quarters In General.

A. Yes. I must again point out to you that this happened long after my time. I can see that my successor Haberland has admitted that some things weren't at the camp as they should have been, but he says specifically, I quote: "I immediately concerned myself with

details" and I think that that was a matter of course. You must imagine what the conditions were at the time in camps where four to five thousand persons were housed. It was extremely difficult to maintain everything as one wanted to.

Q. Dr. Kuehne, most of these things apparently happened after you left Leverkusen, from your testimony, is that right? In other words there was a change.....

THE PRESIDENT: Counsel, that would rather speak for itself as far as dates are concerned. If you ask him something that happened at a certain time, it's just a matter of calculation whether it was before or after he left.

MR. VAN STREET: Well, Your Honor, the question was not precisely calculated for that purpose, but with the court so suggesting I'll withdraw the question.

THE PRESIDENT: Well, reframe it. Perhaps you have some different idea about it.

BY MR. VAN STREET:

Q. Now, again referring to this document, Dr. Kuehne, Section II, entitled "Medical Care", and paragraph C of Section IV. It's noted that the report says that "foreign laborers with stomach and dietary diseases be given such supplementary food as has been approved officially in order to facilitate their early return to work." Does that not indicate, Dr. Kuehne, that, at least the time this report was made, such persons weren't securing the food which was officially recognized that they should have?

A. Counsel, is that Paragraph 4 C?

Q. Precisely.

A. Something else is contained there from what you read. I am very sorry. I should like very much to take responsibility for everything that happened at Leverkusen, but, unfortunately, I can't assume

responsibility for something I didn't know. But it says here expressly, I quote: "The construction of the dietary kitchen was disrupted by enemy action." No doubt it wasn't the firm's fault that these things weren't in order. And then it says: "The dieticians", and among those I understand those who received the material, "did not act according to the regulations." Well, it shouldn't be dieticians, but the people who received the diets did not act according to the regulations and that means the same as if a patient does not obey his physician. If the cooks had been thought of, it would have been stated here "the cooks preparing the diet."

Q. Dr. Kuchno, I will have to apologize for misleading you. I was citing from Section IV, entitled Medical Care, and paragraph C thereunder, and in turning back I do note that there is a 4C in the early part.

A. Here again it says, I quote: "It is necessary that foreigners afflicted with stomach conditions should be given food which was officially permitted for them", and obviously the destruction of the kitchen for preparing this special food interfered with that process. I can't tell you any more in order to clarify this incident of which I really don't know anything.

Q. In any sense, Dr. Kuchno, it was the responsibility of the plant officials to take care of their personnel in war or in peace, was it not?

A. Yes.

Q. Now, Dr. Kuchno, in view of the conditions prevailing at the time this report was made, did you not consider it somewhat wrong to bring foreigners to Leverkusen involuntarily and expose them to such conditions? Retrospectively, if not as of the time?

A. Well, we were living under the very same conditions and I already stated initially I was more endangered than the foreign workers.

My house was located close to the fence of the factory, whereas the foreigners were located about a mile away from the factory. But with respect to foreign workers as such I must repeat what has often been stated here that we had to take on these people. It was a state of emergency.

Q. Dr. Kuehne, I am now referring to your own Exhibit 95, Document 95 in your Book 3, and specifically to paragraph 7 there of. In this part of the affidavit the affiant is talking about a considerable number of deaths of children due to a mass epidemic of pneumonia. He goes on to say that the lack of common sense on the part of mothers was also to blame for the fatal course of the disease in that they did not allow their children to be accommodated and treated in the hygienically perfect hospital or in the children's ward. Now, Dr. Kuehne, this, if I understand correctly, was in 1942. Now, was it not your duty to enforce the proper treatment of these children even over the protests of their mothers, if protests were?

THE PRESIDENT: The Tribunal is of the opinion that that inquiry is going too far; that the Tribunal itself can judge as to how far you can resist the impulses of a mother in caring for an infant and how far that would support an inference of criminality. I think you are getting into a field we had better not invade.

And, while I am speaking, Mr. Prosecutor, are you in a position to say anything that the Tribunal would probably like to hear, about the length of your cross examination?

MR. VAN STREET: May it please Your Honor, I am finished now.

THE PRESIDENT: Sorry I didn't speak sooner.

Now, gentlemen, the Tribunal has an understanding with Dr. Lumort about his redirect examination and his matter of going into these exhibits. That matter will be postponed until he has had an opportunity to study them. In the meantime, may I ask, on behalf of the Tribunal, if any other of counsel for the defense have any questions now they wish to

31 March -A-MJ-17-5-Leonard (Ramlor)
Court 6, Case 6

ask Dr. Kuehne while he is on the stand?

(None indicated.)

If not, then we will arrange time to Dr. Lammert to complete his examination sometime next week or in the next few days. For the time being, Dr. Kuehne, you are excused and may return to your regular seat.

DR. LUMBERT: Your Honors, may I draw your attention to an error in the record. Mr. van Street when submitting document 95, paragraph 7, that this happened in 1942. I think this is an error. The incident occurred in the fall approximately November of 1943. In other words it happened after the Leverkusen time of Dr. Kuehne. That also becomes apparent from another document and I shall take the liberty of pointing it out to you at a later date.

THE PRESIDENT: Very well.

DR. ERNDT: May if it pleases the Tribunal, the name "Bayer" and the name "Mann" is mentioned on various occasions in the trial brief, in the indictment and in the statement by the prosecution. This name is mentioned in connection with a number of points. Since I don't know whether the prosecution intends to charge this defendant with every charge, with every count, I have permitted myself to make a compilation which will make clear my line of presentation from the very start. I shall permit myself to hand this compilation to the Tribunal. From this compilation you will see that I have divided all the material into four different parts. Under A all the points are summarized which I mentioned before. B deals with the matter of Rhone Poulenc. C deals with foreign workers and medical experiments. D deals with the case of Degesch with which I deal on behalf of all the defendants. Under A you will find the word "Film" in the middle of the page. I ask the Tribunal for permission to show here before the Tribunal a brief film in the English language which will show to the Tribunal what Bayer produced where and how it produced and what the products of Bayer were. Furthermore you will find a notation at the bottom of the page that I shall submit three books with respect to Rhone Poulenc I have stated how I shall present my evidence, and I mention at the end Document Books 4 and 5 and parts of 6. the rest of book 6 refers to point "C" the foreign worker questions. D deals with Degesch, for that I will produce two document books and four witnesses. At first, your Honors, would you be good enough to tell me what documents of Mann are available to the Tribunal in the English language.

THE PRESIDENT: Dr. Berndt, we have your Books 1, 4, 5 and 6.

DR. BERNDT: Very well. I shall now commence and I shall ask the Tribunal to permit Mr. Mann to enter the witness stand.

THE PRESIDENT: The defendant Mann may take the witness stand.

(Wilhelm Rudolf Mann, defendant, took the stand and was sworn as a witness.)

Dr. Mann would you please raise your right hand, say "I", and state your name for the record.

MR. MANN: I, Wilhelm Rudolf Mann --

THE PRESIDENT: Now please repeat the oath -- swear by God the Almighty and the Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

You may be seated.

DIRECT EXAMINATION

BY DR. BERNDT:

Q. Mr. Mann, at an earlier date, upon request of the prosecution you made statements referring to personal data which are in Exhibits 308 and 309. Do you want to make any corrections or supplementations with respect to these affidavits?

A. I only forgot to mention one commission. That was the advertising commission of Farben called "Proko" where I was a member from 1931 to 1936.

Q. That is in supplementation of Exhibit 308.

A. No. 309.

Q. I beg your pardon, that is 308.

A. Very well.

Q. But I want to ask you something else. Under paragraph 9 it is stated, Sturmfuhrer of the SA. Is that correct?

A. It is not quite complete because it was a fighting unit.

Q. And then under 309 you didn't mention that you belonged to a club which had some international significance and which was dissolved by the Nazis at one time.

A. Yes, I was a member of the Rotary Club.

Q. Is there anything else that you have to add with respect to your curriculum vitae?

A. No.

Q. Can you tell me where you were at the time of the collapse?

A. I was at Oberstdorf, Upper Bavaria.

Q. Did you, after that, work for Farben?

A. Yes, up until approximately July 1945. Then upon the basis of Ordinance 3 I was relieved of my activity as a Vostand member.

Q. Were you once interrogated by a commission of the occupational power after your dismissal?

A. Yes, in September 1945 I was interrogated before a commission in Bavaria.

Q. And what was the result of that examination?

A. The result of the interrogation was that I was told once more that I would not be allowed to resume my activity with Farben and that for some time I had to be at the disposal of the authorities and that for that purpose I would have to report to the Military Government of Oberstdorf twice a week. This duty to report there lasted for only fourteen days and subsequently I was told that the matter was done with. In other words I no longer had to report there. But a few days later another American commission arrested me and transferred me into the prison of Bonthofen which is located in Upper Bavaria.

Q. For what reason were you arrested at the time?

A. The CIC at Bonthofen wanted to check my political past and for that reason first of all arrested me and then interrogated me.

Q. And how long were you in arrest?

A. Exactly four weeks. After that time I was informed that the check had brought forth that I didn't fall under the category of automatic arrest -- that I was now at liberty -- that I could now pursue some kind of activity, except an activity with I.G. Farben industry.

Q. And then what did you do?

A. I then worked as a free lancer in the capacity of economic consultant.

Q. Were you then telephoned to in the spring of 1946 by some American agency?

A. Yes.

Q. And for what purpose?

A. In March 1946 I received a letter by the Control Office, I.G. Farben Industry, Frankfurt-Griesheim, signed by a certain Colonel Bronson, in which he asked whether I would participate in an economic investigation which was made in connection with the I.G. Farben Industry and my former activity there.

Q. And did you do that?

A. I then went to Frankfurt. I placed myself at their disposal.

Q. And did you make the report which you mentioned?

A. In the course of the months the task changed somewhat. At first I was asked to compile a survey of the general pharmaceutical industry of Germany, of the economic conditions prevailing in Germany pertaining to that industry, and starting from August I became an employee of military Government, and then received a particular assignment which dealt exclusively with the pharmaceutical department Bayer, the head of which I was, as far as the sales were concerned. I finished this work around October 1946. This report went to the War Department in Washington.

Q. And what did you do afterwards?

A. I then returned to my residence and there, on 27 March 1947, I was arrested. At first I was told that I was only being called to Nuremberg as a witness. Then I arrived here and I was immediately placed in the prison as a prisoner.

Q. Mr. Mann, you know that the prosecution maintains that all the defendants, that is including you, had held high positions in the economic and political life of Germany. For that reason I ask you to tell me what positions you yourself held in Germany's public life, and first of all be good enough to give me those positions which were in no connections with Farben.

A. In 1931 I became Danish consul for the Rhineland and Westphalia, and in 1935 I was promoted to consul General. In 1936 I became an honorary Reich Economic Arbitrator. I attended a meeting where questions of quotas were dealt with and the Reich Economic Arbitrary Court merged with a new agency in 1941 called the Reich's Administrative Court, and starting from that time my former function had ceased.

Q. You said that you attended only one meeting. You mean by that a single meeting?

A. Yes, just one meeting.

Q. And what other activities did you pursue in private or public capacity?

A. At all times I was very interested in market research questions and sales analysis and I collaborated with a researcher in this field, Professor Kerlshofen, and together with him in 1932 we formed a society here in Nuremberg called society for Consumers' market Research. I was the chairman of the society. In connection with that activity I was called into the administrative council of the Economic Institute for Economic Observation of Germany's Finished Products, and to a certain extent in connection with that activity I also became a member of a research institute for advertising science.

Q. But these were private offices, weren't they?

A. Yes, these were private positions which I held in connection with my private interests.

Q. Did this activity in those offices bring about any connection with Nazi policy?

A. These were purely economic and non-political offices.

Q. You were a member of the Vorstand of Farben, were you not? Did you thereby hold any other positions, as for instance in trade or industrial organizations, and so forth?

A. Yes, in connection with my activity as head of the Bayers Sales Combine, I was a member of a committee of the Technical Group Pharmaceutical Industry, even if only for a very short time. I think that only lasted one year or a year and a half, and in addition I belonged to a Reich Association of the same industry which was dissolved at a later date.

Q. Weren't you also a member of a Reich Association which dealt with news publishing?

A. Yes, this was the Reich Association of German newspaper Publishers to which I belonged for some time. But I must say that I don't really remember that association because it never held any meetings.

Q. Did you hold any other offices in this field?

A. Up to 1943 I did not. But in that year the head of Reich Group Industry, Mr. Zangen, asked me whether I would be prepared to take over the chairmanship of a Colonial Economy Committee to be established within the framework of Reich Group Industry. At that time I accepted the offer.

Q. Did this committee ever start working practically?

A. No, this matter settled itself, as a result of the military situation in Africa.

Q. The indictment, paragraph 35, states that Farben was represented in all the important committees of Reich Group Industry. What can you say about that assertion by the prosecution?

A. That is entirely correct, but it is not true that Farben exerted any important influence within the organization. It was a matter of course

that Farben was represented in the only one economic organization which was still left, after all the private enterprise associations as they existed before 1933, had been dissolved by the government. From Prosecution Exhibit 71, Book 4, English page 77, it becomes apparent that the Reich Law Gazette, which was introduced together with the exhibit, provides for the establishment of the Organization for Trade and Industry and that it establishes it as an organization set up by law. From a further Prosecution Exhibit, 449, Book 24 it becomes apparent what the structure and organization of Reich Group Industry was. In view of the assumption contained in the indictment that Farben had an important influence there, it is important to establish that in that very prosecution exhibit it is stated in detail how the various organizational parts of Reich Group Industry were comprised. The select Advisory Council of Reich Group Industry consisted of seventeen gentlemen, one of which belonged to Farben.

Q. And how about the Large Advisory Council?

A. The Large Advisory Council consisted of seventy-five gentlemen of which five belonged to Farben, one of whom, incidentally, I was. In addition there were ten committees, and a Farben member was in charge of one of those committees. From the same prosecution exhibit, the structure of the Economic Group Chemical Industry, can be seen. That is the next level. It's very clear. At first Reich Group then Economic Group then Technical Group then Technical Department. In the Economic Group only three hundred-twenty-seven names are mentioned of which thirty-two are members of Farben -- that is to say only ten percent of all technical groups or technical departments.

Q. Could one say of these offices, which you just mentioned, that they were high political offices as it is being charged by the Prosecution?

A. They were not political offices at all and they certainly weren't high political offices.

Q. You are mainly charged in the indictment with having been a member of the Advertising Council for Germany economy. I may point to Prosecution Exhibit 62 in Book 3, English page 131. Mr. Mann, would you

please briefly describe to the Tribunal what the task of this Advertising Council was.

A. Under paragraph 34 of the indictment it is stated that all defendants, that is including myself, held key positions in governmental offices. Immediately after it mentions the Reichstag and after Reichsbank, but even before the Ministry of Armament and War Production, the Propaganda or Advertising Council for German Economy is mentioned. That, no doubt, is a very wrong estimate of the importance of the Propaganda or Advertising Council, and complete misconception of its tasks and activities. Trial brief, on page 55, under IG, of the prosecution, shows us the proper listing of that office, but the only charge which remains there is the following -- and I quote:

"The establishment of the Propaganda or Advertising Council was carried out by the participation of Nazi ministers, State Secretaries, and prominent members of the Party and industry." I myself did not attend that meeting, and I received no invitation. On the contrary I only learned of my appointment to that position through the newspapers and only later by a letter from Funk. The membership list introduced by the prosecution as Exhibit 62 shows forty nine names of private industrialists. These were mainly those people who, like myself, had to deal with economic propaganda and advertising.

Q.- Very well. Will you then be good enough to tell the Tribunal what the tasks of the Propaganda Council were?

A.- I should like to explain that in the basis of the Prosecution exhibit --

Q.- Mr. Mann, I beg your pardon. In order not to create confusion, would you once more give us the exhibit numbers?

A.- Prosecution exhibit number 62, Document book 44.

Q.- Have you got the page number by any chance? If you do not have it, it doesn't matter.

A.- I have it. It's German page number 49, and English page number 131. This Prosecution's exhibit is a copy of the first newspaper publication which surprised all the appointed members as much as myself. If I may, I shall quote a few statements with respect to the tasks of that Committee. In that publication, it reads:

"First. The Propaganda Council of German Economy is to control the entire propaganda and advertising system and is to try to avoid decentralization in the field of propaganda and advertising.

"Second. It is to try to assist industry in carrying out propaganda and advertising in an efficient and most effective manner with least expenses.

"Third. It is to effect an adjustment between the agricultural and industrial interests, and this is to be done by striking and effective propaganda.

"Fifth. The economic problem as an organizational problem must promote and regulate production and sale by efficient propaganda.

"Sixth. The law pertaining to Economic Propaganda is to bring the economic, - political thinking of persons active in economy, into accordance with the economic policy of the Reich.

"Seventh. Private initiative is to be predominant in the field of economic propaganda."

These principles which, up to the war at any rate, were observed in principle, were such as to give us confidence into the tasks of the Advertising Council, and there was no reason to keep away from it.

Q.- Did you have anything to do with the business management of the Propaganda Council?

A.- No. The business management was dealt with by business managers who held a full-time job in that connection. The members of the Propaganda Council participated only in an honorary capacity.

During the time from 1933 to 1945 I attended perhaps four to five meetings together.

Q.- From what circles were the members coming?

A.- They came from circles which had interests in economic Propaganda. Apart from the advertisers, there were also the newspaper publishers who published the advertisements, and there were also artists, and others who were in any way connected with propaganda by advertisements, posters, etc.

Q.- Was Bayer a very important advertiser in Germany and abroad?

A.- Yes, Bayer was very famous as one of the biggest newspaper advertisers in Germany for its pharmaceutical products and its products combating vermin. That was also the reason why I was appointed for the Propaganda Council.

Q.- Did the Propaganda Council deal with questions of political propaganda?

A.- No. It was expressly prohibited for the Propaganda Council to deal with political propaganda. The Propaganda Ministry was responsible for that, which was a sponsor, as it were, when the Propaganda or Advertising Council was established, but later the influence of the Reich Ministry of Economics took over and finally the word "propaganda" itself was forbidden for Economic Propaganda and Advertising. I think one could clearly recognize, from that, that there was a vast difference in the propaganda work of the Ministry of Propaganda and the economic tasks of the Adver-

tising Council.

Q.- As the head of the Bayer sales combine, what did you have to do with the Advertising Council?

A.- My most important connection was because of the fact that the Advertising Council made lists of those periodicals from Germany or abroad which were admitted by our advertising regulations. These lists also showed us exactly in what periodicals or foreign countries we should not advertise. We considered that as being too strong an infringement of our rights because we ourselves wanted to pick the newspapers in which we wanted to advertise. Generally, however, we considered the control of the Advertising Council in that respect as being not too bothersome because by giving them various reasons we succeeded in advertising wherever we thought fit.

Q.- During meetings of the Advertising Council, were there any purely political matters discussed?

A.- Never.

Q.- Do you know that the Chief Counsel himself said, and I quote:

"Walter Funk founded in Goebbels's Ministry a Propaganda Council for German Economy in which the defendants Schnitzler, Mann and Cattineau liked to participate."

What can you say in regard to this assertion by the Chief Counsel?

A.- I do not know what material the Chief Counsel had in order to make his assertion that I actually liked to participate in this Council. On the whole this Advertising Council was very burdensome to German industry, but in view of some of the more reasonable aims of that committee, we cooperated but we did not particularly like this activity.

Q.- In the Prosecution's opening statement, the Advertising Council is designated as a "Publicity Board". Is that a correct designation?

A.- No. The Prosecution has already changed that designation. In Prosecution's Book III on page three of the index, it is stated that it is the

Council for Economic Propaganda. That shows clearly that this Council had a purely economic character.

Q.- You said before that up until the war the principles of solely economic propaganda and advertising were actually adhered to by the Council. Was there a change as soon as the war started, with respect to this point?

A.- Yes. At the beginning of the war the Council adopted a course which had a certain political aspect one cannot, however, designate it as constituting political propaganda. In other words, economic propaganda was to be adjusted to the requirements of war-time needs. As I shall prove with my documents, we successfully opposed this method of economic advertising, and we never left the ethical principles of advertising as adopted by Bayer.

Q.- What do you mean by the "Ethical principles of Bayer advertising"?

A.- The Ethical principles of Bayer advertisements were the emphasis on the scientific quality of the Bayer products and their significance in combating vermin and disease.

Q.- If I understand all that clearly, I come to the conclusion that one cannot not possibly say, as the Prosecution does, that this office constituted a key position and that it was an office which participated in German mobilization for war.

A.- There is no question of that whatsoever. The activity of the council was purely economic. That the Advertising Council asked us, during the war, to connect advertisements with war slogans was nothing remarkable. These were slogans as are printed on our boxes of matches which we receive in the prison — "Our first duty", "Keep them Flying", "We must win", etc. etc., there were slogans which had to use in connection with our advertisements.

Q.- I think that will suffice in connection with the Propaganda or

31 March-A-PL-20-5-Ramler (Int. Ramler)

Court No. VI, Case VI

Advertising Council for German Economy, and now, one more question before the recess. Were you also a Wehrwirtschaftsfuehrer?

A.- No.

DR. BERNDT: Your Honor, I am now turning to a new subject, and I think it will be helpful if we recess now.

THE PRESIDENT: Yes.

(A recess was taken for 15 minutes.)

THE MARSHAL: The Tribunal is again in session.

DR. WAGNER (Counsel for defendant Wurster) - I ask that Dr. Wurster be permitted to be absent from tomorrow's session because I need the day to prepare for his defense.

THE PRESIDENT: That request is granted.

DR. HENZE (Counsel for defendant Oster) : Your Honor, I make the same request for tomorrow and the day after for Dr. Oster.

THE PRESIDENT: The same is ordered.

DR. SEIDL (Counsel for defendant Duerrfeld): I would like to formulate the same request for the defendant Duerrfeld and would like to ask you to excuse him for Thursday and Friday.

THE PRESIDENT: That request is also granted.

DR. BERNDT (Counsel for defendant Mann): May I continue, Your Honor?

THE PRESIDENT: Yes, Dr. Berndt.

BY DR. BERNDT:

Q.- Dr. Mann, did you hold positions in the Aufsichtsrat of firms near to the I.G. Farben?

A.- I held various functions in firms loosely connected with the I.G., be it in the Aufsichtsrat or in the Verwaltungsrat.

Q.- Well, will you please give us the names of those firms?

A.- Well, there were the Behring Works, which had been leased to I.G. Farben; there I was Deputy Chairman of the Aufsichtsrat. Then the Chemosan Union at Vienna, which is a pharmaceutical factory; there I was Chairman of the Aufsichtsrat. The Firm Hellco at Troppau, also a large trading company for pharmaceuticals. Then the German company for combating vermin - abbreviated "Degesch", where I was chairman of the administrative commission (Verwaltungsausschuss). These four functions I held already before 1933.

Q.- But wasn't there another office which you held with a company having its seat in the East?

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Q.- But wasn't there another office which you held with a company having its seat in the East?

A.- I had a function in the Aufsichtsrat of the I.G. Ostland G.m.b.H. founded during the war for the border states Estonia, Latvia, Lithuania, a company the task of which was to supply these areas with medical supplies and other products of our firm. I had no other functions or positions with firms in the occupied territories.

Q.- But weren't there two other firms you ought to mention, firms which had their seat at Berlin or Frankfurt-Homburg?

A.- Yes, we should mention the Injecta A.G. joint-stock company, which is a production firm for dental instruments, and also the chemical works Homburg, at Frankfurt on the Main, a company which we owned jointly with the German Gold und Silber Scheideanstalt (Degussa). In both firms I was chairman of the Aufsichtsrat. That is the complete list.

Q.- Good. Now, you were a member of the Vorstand of I.G. Farben and your main task was to be director of the Sales Combine Pharmaceuticals Bayer at Leverkusen. Now, will you please give me some details with regard to that position and your own activities?

A.- The Sales Combine Bayer had its central agency at Leverkusen and was competent for the sale of all pharmaceuticals, including dental products, and serums, and vaccines -- all products for veterinary medicine and bacteriological purposes -- and also as an important field of activity, protection of plants and insecticides. The Sales Combine had been set up in 1926 as the result of the merger of I.G. Farben. The main directorate of the Sales Combine since its foundation, had been under my father, Dr. Rudolf Mann. In 1931 my father retired from the Vorstand and was pensioned, and then at that point I took over the management.

Q.- Now, what position did the Sales Combine have, as far as the organization is concerned, as seen in the general scope of I.G. Farben?

A.- The four Sales Combines -- that is, dyestuffs, chemicals, photography, and pharmaceuticals Bayer -- were completely independent organizations. Their counterpart were the plant combines. In every respect there

was a clear-cut separation between the concept and the function of the Sales Combine on the one hand and the Plant Combine on the other hand. This clear-cut separation in the case of the Sales Combine Bayer became particularly apparent on account of the strong trends for independence caused by the special nature of our activities. It should not be forgotten that the two only Sales Combines approaching directly the ultimate consumer were the Sales Combine Photographics and Pharmaceuticals Bayer. Therefore, we were under the necessity of having special propaganda for the products we sent directly to the consumer, and this propaganda was made by the Firm Bayer pharmaceuticals. That was a special trade mark, "Bayer" which we stressed particularly.

Q.- What was the name of Bayer? Was that I.G. Farben Aktiengesellschaft?

A.- No -- Bayer I.G. Farbenindustrie. The first name we gave was Bayer, and in our publicity we also used the name Bayer and the Bayer cross as a trade mark, and we stressed it very strongly.

Q.- Now, this strong independence of Bayer, was it noticed in other circles of the I.G. and perhaps criticized?

A.- Well, it was noticed, of course, and partly it was also criticized but they understood that the reason I gave for my attitude was quite factual. This concept had such good reasons to back it up that in 1941, during a Vorstand meeting, I suggested to release the Bayer Sales Combine from the General Combine of the I.G. in a way which was to be discussed still later. Well, the suggestion was received favorably during the war but, under the circumstances prevailing, it could not be carried out.

Q.- In Leverkusen, you had a plant and a Sales Combine. Now, how was the question of competency settled between the plant management on the one hand and the Sales Combine on the other?

A.- The plant combine Leverkusen -- that is, the plant management, and

the Sales Combine Bayer -- were two distinctly separate organisms. The plant manager of Leverkusen had no rights and duties with regard to the Sales Combine Bayer, and I, as manager of the Sales Combine, had no rights or duties either with regard to the Plants Combine. We had joint installations as, for instance, the mess, the auto park, and so on, which belonged to the plant and for which we had to pay rent.

Q.- Now, in order to get a clear survey, will you please tell me what was the size of the Sales Combine and in how many countries it marketed its products, and so on?

A.- We had a sales organization covering seventy-five countries. The agencies in general were set up as independent companies and we made it a point that the management was in the hands of people who had proved their merit for a long time and with whom we had in general also long-term contracts of employment.

Q.- Were you yourself a plant leader, and if so, what were you competent for and since when were you a plant leader?

A Substantially speaking, the position of plant leader at Leverkusen was held by the Director of the Plant Combine, Dr. Kuchno, and during the last years by Dr. Haberland, but just in the sense of my attempts on having an independent agency I made it a point to be myself also Plant Leader with regard to my own employees, and to be able to be active in that field, and therefore, in 1941, we made the application which was approved that Bayer be considered an independent plant organization and recognized as such.

Q And you became then?

A I became plant leader within the scope of the law for the Regulation of National Labor.

Q Now in order to clarify that, Herr Mann, were you a member of the Plant Combine, and were the employees and workers also members of the Plant Combine?

A You mean the Sales Combine. In the Sales Combine Bayer we had only employees, because we had no production of our own, and therefore no workers.

Q How how were the business procedures and the affairs discussed, decided on and carried out within this Sales Combine Bayer?

A We had our own procedure of conferences. First, I, as manager of the Sales Combine, had a conference of Bayer Directors.

Q Just a minute before you go on. By whom was this director's conference attended; who were the members of this body?

A Only the directors of the Bayer Sales Combine, and in some cases some Department Chiefs.

Now these department directors on their part had again independent conferences during which the individual questions

were dealt with, split up once with regard to the geographical location and then there were also special departments for scrums, plant protection, and so on, etc.

Seven directors and 20 prokurists took part in this Directorate. It was my principle to independence to these members of the directorate as far as possible and I could do so, because they had been appointed directors only after a long period of probation, and they had proved capable and men of integrity in every respect.

I, of course, attempted to keep an eye on all business matters, but in view of the large scale of the business carried out, I could not have my eye on every detail. On the whole, we sold our products to 1 million physicians, to 100,000 hospitals and clinics and to 10,000 wholesale dealers. This very volume shows that as general manager you cannot have your eye on every individual business affair. For other tasks within the I.G., accordingly, I did not have the time and the competencies to follow these matters up.

As for the document book which you, counsel, will submit to this Tribunal, I have joined to it the Prosecution Exhibit No. 783. It is true that I have not attached the pages submitted by the Prosecution, but pages which I saw in the copy. It is a list of conferences and trips and visits from all parts of the world which took place, and if you glance through this list you can get some sort of a survey and a general impression of the volume of the work with which I was burdened.

Q You have told me of two conferences so far. First, the Directors' Conference, and then the Conference of the Department Chiefs. Now here, and particularly when Professor Hoerlein was interrogated, I heard something about a Main

conference. What kind of a Conference was that?

A The Pharmaceutical Main Conference had been set up in order to secure a good cooperation between the laboratories, the production firms and the Sales Combine. It was held at irregular intervals, every few months, and it was presided over by agreement generally by the Senior member of the Vorstand attending. The last time, this was Professor Hoorlein.

Q Now what plants were forwarding the products to the Sales Combine which were then sold by Bayer?

A Our main suppliers were Elberfeld, Leverkusen, Hoechst and Marburg.

Q Now I would like to get a few details from you with respect to your activities in the Vorstand, and your membership in other committees, - for instance, in the Commercial Committee?

A In view of the extent of the I.G. Farben combine, it is easy to understand that an orderly management was only possible if the plants were largely decentralized. My colleagues here have already repeatedly described the way of the organization, and have termed it as a "decentralized centralization." Now this expression was created by Geheimrat Duisburg, and I think particularly now, in our own case, it is very clear in showing the way in which the combine was organized. Of course, in the field of finance, of tax policies, and in the field of general social questions, and, insofar as my own work was concerned, in the commercial field also, there were quite a number of problems which showed a connection (a) within the general interests of the sales Community, and (b) within the Plants, and it was necessary for that purpose that a certain collaboration was created.

During the Vorstand meetings which I attended ever since

I had been appointed a member of the Vorstand, that is, ever since the first of January, 1931, there could be only information in broad outline given to the other members of the Vorstand. I, myself, as the years went on, gave perhaps about four to five reports per year on questions connected with my field of tasks, but the provisions, of the business rules could, of course, not be carried out any longer, because every member of the Vorstand of necessity, even for reasons of saving time, had to confine himself to making only a very short, summarized report, while an opinion given by the other members of the meeting on the report which had been made, was only possible with regard to certain general aspects. For the rest, with regard to this question may I second the explanation given by my colleagues here in the witness stand before?

Q I think that is sufficient with regard to the Vorstand. Now you were also a member of the Commercial Committee.

A The Commercial Committee was formed by the Managers of the Sales Combines and of the Central Agency Berlin NW 7, where the financial questions were dealt with, and where the office of the Commercial Committee was, and the two departments, Economic Research Dept. (VOWI), the Economics Policy Department (WIPO) which have already been discussed at length here.

Now this Commercial Committee, of which I was a member, ever since it had been set up in 1938, was rather a clearing house between the Sales organizations of I.G. Farben. It is true that decisions were made; however, these decisions basically were not valid and binding for all Sales Combines. As I said, these were rather directives, and I must say from

memory that quite a number of these so-called decisions are known to me, - decisions which for instance the Sales Combine Bayer did not comply with or could not comply with, because we were a Commercial enterprise, and of course, we could not have a rigid, organizational principle to follow, but it had to be flexible. For instance, orders to be given, for instance, by the manager of the Commercial Committee were out of the question. The Commercial Committee was not either an important directing group; it had only become a necessary committee for discussion and information, and it was mainly called to life, and that was also the reason for its foundation, in 1938. In order to be quite clear I have to say it was a re-foundation because a Commercial Committee had already existed before, but it did not function properly. But to come back to that question, this re-foundation in 1938 had become necessary mainly because already at that time the Government decrees constantly interfered in our business. These decrees made it imperative that we come to an agreement between ourselves.

Q Were you a member of other Committees also?

A Yes, I was a member of the Committee for Eastern Asia which dealt with the possibilities of market development, and general business affairs in Eastern Asia. Then there was an East African Committee which in a similar way as the Colonial Committee, had only a very short existence, - that is, it only actually existed on the record, because it never met.

Then there was the so-called Commercial Eastern Committee, which was presided over by me, and the result of its work was limited to the foundation of the so-called I.G. Kontor Riga, GMBH, of which I have already spoken.

Q Now, you were also a member of a publicity committee?

A Yes, that was the publicity committee I mentioned in the course of your first question, when you asked me whether I had anything to add to my curriculum vitae, and I can only say that the position on this committee of which I was chairman from 1931 to 1936, limited itself to dealing with questions of internal publicity within the I.G. for I.G. products. This was a central agency and rather a central clearing house where all the experiences by the directors of the individual publicity departments of I.G., that is Bayer, and Agfa, were exchanged and discussed every few months. There was no special competency to issue orders.

Q I think that is sufficient. Now one short question: This publicity committee, did it ever have any connection with political propaganda?

A No, never. It was a really internal I. G. publicity.

Q Apart from that, were you a member of any I.G. commission or any other I.G. body?

A No, that is all.

Q Well, that brings me to the next chapter and I would like to ask you now, Herr Mann, when did you join the Nazi Party?

A I joined the Nazi Party on the 31st of December 1931.

Q Now in order to clarify that right away -- then you were already a member of the Vorstand?

A Yes, I had been a member of the Vorstand for one year.

Q For one year?

A Yes.

Q I see. Now, will you tell the Tribunal why as early as December 1931 -- that is rather early -- you became a member of the Nazi Party?

A Well, after we had lost the First World War, and after the inflation came along in Germany, the economic decline, after a short apparent boom, was very strong; unemployment increased from one year to

the other and it amounted to 6,000,000 unemployed, that is about one-third of all men in Germany capable of work. The result of this decline was a strong radical movement within the masses. The communist party increased more and more. The events in 1919 and 1920 had shown me and others clearly that this Communist Party was trying to bring up revolutionary movements and revolutions, as can be seen today in other countries. This Party was opposed by about 40 parties. There were 40 parties in which the bourgeoisie had been split up and the result was that there was a constant change of government and that no stable government was possible and that no expert administration was possible. Only one Party opposed the Communist Party as a power factor and that was the Nazi Party. It was under a unified leadership and had an election program which one could approve on several points. The Party promised work and bread. It actually kept this promise in the first years after 1933. Hitler always stated that he wanted to seize power only by legal means. He further stated that he wanted to have free elections and that these free elections would be protected by the constitution. As many of the others, I believed these promises and essentially it is correct, that in 1933 Hitler came to power within the scope of the constitution and by legal means. In his propaganda, he stressed that under all circumstances, he wanted to prevent a war; that his policy was a policy of peace. That also I believed.

Q Now, I want to put something to you quite openly which contradicts your statement and which has been mentioned in this connection quite often. Before 1933 already the Nazis committed quite a number of crimes. How did you look at these?

A What I heard and I think was that not so much, I considered these things as excesses as they always happen in cases of such popular movements.

Q Well, you have heard about street fights too?

A Yes, there were clashes between Nazis and Communists.

Q In the Reichstag, Witness, the Nazis on some occasion or the other voted with the Communists, isn't that true?

A That would only prove that they adhered to parliamentary rules, because that is tactical to collaborate once with this other Party and once with another one.

Q Did you read the book, "Mein Kampf?"

A Yes.

Q When did you buy that book?

A When I married for the second time the book was officially handed to me.

Q When was that?

A In 1940.

Q Did you know the Party program?

A Well, I knew what most of the Germans knew about it.

Q And what was your attitude toward what you knew about it?

A I have just stated a minute ago there were a certain number of points one could agree with. I want to make it quite clear that there were many points also of which I disapproved. But the general situation as I saw it in Germany at that time, my anxiety for Germany, and my hope to get a new strong government and to avoid the chaos, to prevent the danger which I saw coming and my wish that somebody should put the brakes on that was the only prevailing idea for me and that was the reason why I joined the Nazi Party, but by that joining of the Party, I did not want to proclaim that I adhered to all points of the Party Program. On the contrary, during the later days, I showed quite clearly that I separated and that I remained aloof with regard to a certain number of points, about which you certainly will ask me some of questions.

Q What was your attitude toward Anti-Semitism?

A I always rejected anti-Semitism and I would like to answer your question not so much with words, but by asking you to let my documents talk for me. My documents have quite a number of examples showing quite clearly my attitude in this question.

Q Now, what was your attitude toward the Party as matters developed?

A During the first years, after 1933, I had a positive attitude to the Party. I want to state that quite clearly. My desires were the desires of many millions, namely, that under this new leadership, we should be led towards a better future. In my position, I had quite a bit of insight into matters. We had contacts with foreign countries and I must say that the very attitude taken by these foreign countries during the first years, at least until 1937, only strengthened me in my attitude. I knew that a Concordate had been concluded with the Pope. I knew of the German-English Naval Agreement. Particularly, I saw the Olympiade in Berlin in 1936. The strongest team that came there was the United States team, and I must say that all these events and observations until that period gave me rather strongly the impression that such things which I and many others in Germany disliked even at that early time, would be corrected as the years went on, in the same way as the strength and the power of the government became more solid.

Q Within the Nazi Party, did you hold a position or a rank?

A I never held any office nor any rank within the Nazi Party.

Q Were you requested to take over an office in the Party?

A Yes, a certain number of times, the Party agencies requested me to take over some sort of function in the economic field, but I always rejected that and as a reason I gave my strong overburdening with work.

Q Did you take any other active part in Party matters, by publishing propaganda or anything of the kind?

A No, in no way.

Q Now, as you had joined the Party already at an earlier date, if you then rejected Party functions and did not identify yourself with the Party in some point as you said, then I have to ask you the quite clear question, why didn't you draw the last consequence and resign from the Party?

A This development of my own attitude towards the Nazi Party was only gradual. It was based on the recognition of the fact that, after all, the negative factors exceeded the positive ones and that there were many things with which not only you no longer agree, but which you had to oppose and consider it your duty to oppose them clearly. My friends and my closer collaborators, of course, recognized this change in my attitude, but a resignation from the Party at that time and for a man in my position, was practically no longer possible. Then I would have to resign from the work of my life too, and I didn't even confront myself with that question, because I couldn't ever think of giving up the work.

Q Were you also a member of the so-called organizations of the Nazi Party?

A Yes, I was in the German Labor Front. That was customary for everybody who held a profession. Then I was in the National Socialist welfare fund which was considered a social welfare organization, and apart from that, during the years from 1934 to 1938, I was a member of the SA Cavalry.

Q How come that you joined this SA Cavalry?

A That was a Storm Trooper Cavalry which had been set up in Leverkusen, and as I took quite an interest in riding, and as my employees were also members of that Cavalry Storm Troop, I joined it. I made contributions also towards the building of a riding hall and other desires expressed there, and pursuant to those contributions I was appointed Sturmfuhrer also, as an honorary rank.

Q In order to establish that quite clearly once again, when did you resign from the SA Cavalry there?

A I didn't resign either. I couldn't have done that. But this SA Cavalry dissolved by itself because we had no barley any more for the horses.

Q What was your membership contribution for the Nazi Party, witness?

A Exactly the amount which I had to pay officially, which was 180 marks per year. Apart from that, I gave contributions for People's Welfare, Red Cross, and for all such purposes as are very well known to every German who lived under the Third Reich and which have been frequently described here already.

Q Did you have any personal advantages on account of the National Socialist regime?

A This question I can answer quite clearly in the negative. In business connections, my Party membership was never even mentioned. I think that part of my closest collaborators didn't even know that I was a member during the first years. With regard to my personal income, I can say quite clearly that I had no advantages whatsoever. My fortune

was not increased at all by the National Socialist regime, and for the whole duration of the war my income with the I.G. remained completely unchanged.

Q What else can you say in conclusion with regard to your attitude towards National Socialism?

A I can only repeat that during the beginnings of the Third Reich, for national and ideological motives, I had a positive attitude towards National Socialism -- explained, first of all, by my hope that the then existing tenuous political and economic situation would be improved. During the first years of the National Socialist regime, that doubtlessly was the case. But then, the development followed the radical trend which is so well known, and I took my distance from that accordingly.

Q Did you ever ascertain that agencies of that Nazi Party watched you?

A Yes, I think that many industrialists and other people were very closely watched and had to accept this political supervision. In this connection, I was in a very unfortunate position myself, because in my own department I had an official of the Gestapo as an employee. He told me himself that his job was to watch me and to constantly report on me to his superior agencies. That was a complicated situation for me, and it explained quite a number of things and quite a number of concessions we had to make as time went on. It was a constant struggle, and all these conditions are hardly explicable to anybody who did not experience them.

Q Now how was the relation of the sales combine Beyer of which you were in charge and its attitude towards National Socialism--? You know that the prosecution has mentioned Beyer once as a National Socialist organization.

A That certainly is not true. First of all, I would like to say that out of the seven Beyer directors, only three were Nazi Party members and four were non-members. After the reorganization of the sales

combine, and as a result of the merger, Bayer, as far as seniority went, was the youngest sales combine of the I.G. Farben and it would have to be expected normally that the percentage of Party members in this sales combine would have been particularly high. But that was not at all the case. As the years went on, I was able to observe that the interest in joining the Nazi Party constantly declined -- I mean within the ranks of my employees. We knew that the percentage of Party members was about 17 to 18 percent, and that could be explained also by the fact that the business management -- that is neither my directors nor myself -- ever made the slightest attempt to influence them on the question of membership in the Nazi Party. Pressure cannot even be mentioned at all. I left the decision on these matters to every employee himself.

Now with regard to my own attitude to National Socialism in connection with commercial problems, there you have a certain collaboration with the TAO the NS organization, abroad and that with respect to the desires expressed abroad by the Party organizations, which again were submitted to the AO, a certain collaboration had to be brought about. However, this collaboration, which I will refer to at a later stage was always caused only by tactical viewpoints and had to be judged by those viewpoints. It has already been explained here how certain decisions we made have to be explained. In this connection, I may point out particularly the decision which was taken in the KA meeting of 10 December 1937 where the necessary positive attitude of the I.G. members towards National Socialism is referred to.

Q All right. Now, Mr. President, at this point I would like to submit a certain number of documents. But as all the books which I need for that do not exist yet in English, as I have ascertained during the recess, that most probably they will all be available for the Tribunal tomorrow, therefore I would like to postpone that submission of evidence for tomorrow. May I then ask Your Honor, because it would just work

out with the end of the session whether I could now show to the Tribunal this short English picture concerning the work of Bayer. It is intended to show what the sales combine of Bayer did.

THE PRESIDENT: About how long will it take to show the picture, Dr. Berndt?

DR. BERNDT: Well, about 30 minutes, Your Honor.

THE PRESIDENT: That is fine. Very well. Will it take some time to get the equipment ready?

DR. BERNDT: Pardon me, I didn't understand.

THE PRESIDENT: Will it take time to set up the equipment?

DR. BERNDT: Your Honor, I have just requested my assistant -- he is outside -- to ask these gentlemen to come here at 4:15, Your Honor, sharp.

THE PRESIDENT: I wonder if we might recess. Dr. Berndt, we will just informally recess until you are ready. I am wondering, can we see it from the bench or shall we be seated elsewhere?

DR. BERNDT: Your Honor, I wanted to request that four chairs be put down here in order to enable the Tribunal to see the film from where it can be seen best.

THE PRESIDENT: All right. We will recess and when the picture is ready and the equipment is installed, tell the Marshal and we will come back.

DR. BERNDT: Very well, Your Honor.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. BERNDT: Your Honor, may I submit this sound film as Exhibit Mann No. 1.

(Whereupon, a motion picture was shown.)

THE PRESIDENT: Dr. Berndt, we were away from our earphones when you announced the number of that exhibit. Will you please repeat it?

DR. BERNDT: Exhibit Mann No. 1, Your Honor.

THE PRESIDENT: And the record may show that the Tribunal has seen a display of the film designated as Exhibit No. 1. Are you ready to recess now, Dr. Berndt?

DR. BERNDT: Yes, Your Honor.

DR. HOFFMANN: Just one minute, Your Honor. I ask that the Defendant von der Hayde be excused tomorrow for the preparation of his defense.

THE PRESIDENT: That request will be granted. The Tribunal is now in recess until nine o'clock tomorrow morning.

(The Tribunal adjourned until 1 April 1948, at 0900 hours.)

Official Transcript of Military Tribunal VI,
Case VI, in the matter of the United States
of America against Carl Krauch, et al, de-
fendants, sitting at Nurnberg, Germany, on 1
April 1948, 0900-1645 hours, Judge Shake,
presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal VI is now in session. God save the United States
of America and this Honorable Tribunal. There will be order in the
court.

THE PRESIDENT: Make your report, Mr. Marshal.

THE MARSHAL: May it please Your Honors, all defendants are present
save the defendants Lautenschlaeger and Haefliger, absent due to ill-
ness; the defendants von Schnitzler, Duerrfeld, Wurster, Oster and
von der Heyde, absent, excused.

THE PRESIDENT: Any announcements, gentlemen?

DR. HOFFMANN (Attorney for the defendant von der Heyde):

If Your Honors please, this morning I handed to the Defense Center
the copies of an application, the original of which I am handing to
the Secretary General now. In this application I applied to the Tri-
bunal for a prior decision that the fact of the extermination program
against the Jews, in spite of the fact that there were rumors about it
and that certain individual persons had knowledge about it, does not
permit the conclusion that every member of one of the organizations,
as declared criminal by the IMT, had knowledge of this program and that
the Tribunal decide that the Prosecution be obliged to prove this know-
ledge in every individual case. I have made this application with re-
gard to the defendant von der Heyde, whom I represent, and who is charged
with being a member of the SS, in view of the fact that in Case XI the
Prosecution has admitted a certain stipulation with regard to the assumed
knowledge of the defendant Bohle with regard to the extermination pro-
gram.

THE PRESIDENT: Very well, the application will be processed and
distributed, and the Prosecution afforded an opportunity of answering.

Anything else, gentlemen?

Then, Counsel for Dr. Mann may continue.

DR. BERNDT (Attorney for the defendant Mann):

If Your Honors please, may I ask first whether in the meantime other document books have reached the Tribunal; there are other document books which should be ready.

THE PRESIDENT: Dr. Berndt, we do not at present have additional document books. I was told yesterday that they would be available this morning, and I called the processing office, but they did not answer when I called, and I think the Secretary is going to personally check up on the matter just in a few minutes and give us a report as soon as he gets the information about the additional books. I will advise you.

DR. BERNDT: Thank you, Your Honor. If Your Honors please, now yesterday at the end of the session I had taken the liberty of showing a movie, and by this motion picture I wanted to prove two things: First, I wanted to give the Tribunal a brief insight into one plant of Farben and show what was created and how Bayer was created, but apart from that I wanted to prove by this picture how Bayer indulged in publicity or in commercial propaganda in English speaking countries. We have given this motion picture Exhibit Mann No. 1. The second exhibit, Your Honor, I ask that that the second evidence I want to produce is the witness Weigand, and I ask that the Tribunal hear the witness particularly on Mann's person in general and on the circumstances under which Mann joined the Nazi Party, and also how Mann, as time went on, changed his attitude, toward the Nazi Party. This interrogation, Your Honor, will take up only a short while.

THE PRESIDENT: Do you have something to say, Mr. Sprecher?

MR. SPRECHER: Mr. President, I hadn't been advised that we were going to do that; that there had been any application to divide the examination or cross examination of the defendant by such interruptions as other witnesses.

THE PRESIDENT: Do you know of any good reason why that should not

be done, Mr. Sprecher? Is there any particular reason that you have in mind?

DR. BERNDT: It was already done, Your Honor; I did so already. I have submitted the disposition of my whole evidence, and I have handed it to the Prosecution just in the same way as to the Tribunal. If Mr. Sprecher is nice enough to look at the end, he will see the witness Karl Weigand listed.

MR. SPEECHER: Yes, Dr. Berndt, I had seen this, but I hadn't realized that you intended to proceed necessarily in this order; I understood these were subjects and the manner in which you organized your material.

THE PRESIDENT: Is this witness presently available, Dr. Berndt?

DR. BERNDT: Yes, Your Honor.

THE PRESIDENT: There doesn't seem to be any sound reason for forbidding that request. If you have the witness, bring him in; and, the defendant Mann is presently off the stand on account of the picture having been exhibited.

We will permit that to be done. Bring in the witness, Mr. Marshal.

KARL WEIGAND, a witness, took the stand and testified as follows:

THE PRESIDENT: Mr. Witness, will you raise your right hand and say "I" and state your name for the record.

THE WITNESS: I, Karl Weigand.

THE PRESIDENT: Now, please repeat after me the oath: I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

BY DR. BERNDT (Attorney for the Defendant Mann):

Q. Herr Weigand, may I ask you to state to the Tribunal your first name?

A. Karl.

Q. When were you born?

A. 4 December, 1883.

THE PRESIDENT: Mr. Witness, may I remind you of the fact that we have a translation system; we do not understand what you say. It is translated for us in English, and when a question is asked, you hear rather dimly the translator making the translation for us. Will you please wait until he has completed his translation before you answer; otherwise, we get a mixture of the German and English and it is hard for us to understand.

BY MR. BERNET:

Q. May I ask you to state again the date of your birth?

A. 4 December 1883.

Q. Where is your place of residence?

A. Bad Soden, Taunus.

Q. Koenigsteiner Strasse?

A. Koenigsteiner Strasse 68.

Q. Where do you presently work?

A. In the dye works Hoechst.

Q. For how long were you an employee of Farben and of the predecessor of Farben?

A. Since 1906.

Q. How long have you known the defendant Mann?

A. I have known him for twenty-eight years.

Q. Well, in that case I would say that you must know him pretty closely.

A. Yes.

Q. Do you have a judgment with regard to the question why Mr. Mann joined the Nazi Party? And, more particularly, did you discuss the question with him; do you know any facts about it?

A. Yes. I can state those facts. We very often discussed that question. Herr Mann joined the Nazi Party for only and alone ideal reasons at that time.

Q. I must interrupt you there; what do you mean by at that time?

A. Well, when he decided to join the Nazi Party, and I think it was during the year or towards the end of 1931. May I supplement that?

THE PRESIDENT: Yes, you may complete your answer.

A. From the end of 1925 until the end of 1930, during my work in the Leverkusen plant, I lived at Koeln-Muelheim. Now, Koeln-Muelheim is an industrial town, and after the short boom around 1926 and 1927, there was a very serious economic decline which struck Muelheim, and there were many thousands of unemployed there. When the misery of these poor people became worse and worse, big demonstrations would take place more and more often, and excesses could only be prevented during these demonstrations by using the force of the police and using police cavalry.

During that very difficult period the heralds of Hitler and Goebbels would come and would organize demonstrations and would preach to the people about the abolishment of unemployment, of the doing away with the numerous parties; of the setting of up of a unified party under a strong government; the cleanliness in the state and in the economic system, and so on. During that period Herr Mann came to Cologne and Leverkusen also, and he lived through these same occurrences I just described, and he was moved very strongly by them. That was when in him the decision matured to join the Nazi Party with the principles it had announced, so that the aim could be achieved. At that time Herr Mann knew that the Nazi Party had admitted great numbers of unemployed; however, he knew also, as all other intellectuals who joined the Nazi Party at that time, that he personally had nothing favorable to expect from the Nazi Party because at the beginning the Nazi Party had nothing else but its program and an immense load of debts. As enthusiastic as Herr Mann was at the time for these new ideas and ideals, after all, at the beginning one had to believe in them because no counter-proof did as yet exist; and, apart from that, the Nazi Government had been recognized by all foreign countries as far as I know; but, as great as his enthusiasm for this program was, as

strong was his inner repulsion of the methods and measures taken by the Nazi Party when he saw and realized that none of the promises were kept as time went on, and that on the contrary, just the opposite was done.

Q. Tell me could one say that after 1933, when Hitler had seized power, Mann became a so-called fanatic Nazi as many of those who had been members of the Nazi Party before 1933?

A. No, never, not at all. Mann never capitalized on his membership in the Nazi Party toward the outside world, and whenever excesses occurred, he tried to moderate and to act in a way that was preaching tolerance and trying to adjust the disputes.

Q. Even if you have already hinted at it, I would like to ask you what was Mann's attitude towards the persecution of the Jews and matters of this kind.

A. He absolutely rejected them. When Herr Mann visited me, I can confirm that during this visit, and when we discussed those horrible things, the tears came in his eyes.

Q. When was this, about what year.

A. Well, that would have been at the end of 1939 or the beginning of 1940; after these most horrible excesses had occurred.

Q. And before -- I remember that just today, fifteen years ago was the first anti-Jewish boycott, the first of April, 1933. What was Mann's attitude at that time?

A. He always tried to help the Jews because among his own relatives and among his own kindred he has Jews.

Q. Did you, Herr Weigand, ever hear anything about the fact that Jews were subjected to mass exterminations?

A. No.

Q. Particularly, did you hear anything about gassing of Jews?

A. Not before the collapse.

Q. Did it come to your knowledge that among members of the Forben such matters, and particularly the gassing of Jews were discussed?

A. No.

Q. You said that you have known Herr Mann for twenty-eight years.

A. Yes.

Q. Are you much older than he is?

A. Yes.

Q. Therefore you must know him very well.

A. Yes.

Q. Do you think that if Mann had known anything about the fact that a certain product, some gas, was used for the extermination of human beings; do you believe that in that case Mann would have approved that and wouldn't have done anything against it?

A. According to my concept and according to my knowledge of Mann, and, of his humane attitude, I consider that out of the question.

DR. BERNDT: Your Honor, I have no further questions with this witness.

THE PRESIDENT: Do any Counsel for the Defense wish to interrogate this witness? If not, the Prosecution may cross examine.

CROSS EXAMINATION

BY MR. STRECHER:

Q. Witness, how did you yourself find out about the objectives which the Nazis claimed they had as a Party before 1933; how did you hear about that?

A. Through the newspapers.

Q. Is that the only way you learned about it?

A. Well, there were conversations; you would talk these matters over and discuss them. I never heard anything about it from party meetings because I haven't ever attended one single party meeting.

Q. You didn't join the Party yourself, did you?

A. No.

Q. Did the defendant Mann talk to you about how he learned about the so-called ideals of the party, before 1933?

A. May I repeat your question? Your question is whether
Mann --

Q. I will repeat it. Did the defendant Mann -- I withdraw that.
You testified about the idealistic reasons for which the defendant Mann
joined the Nazi Party in 1931. Did the defendant Mann tell you how he
got his information about the principles of the Nazi Party?

A. He didn't give me an explanation for it, but as the Party
was so noticeable to such a strong extent in Germany at this time, and
as their program was frequently discussed, and understood as the
idealistic points of the program the doing away with unemployment, the
abolishing of the multitude of parties, cleanliness in the communities
the state, and in the national economy; that is what we understood as
ideals.

Q. Did you yourself read the opposition newspapers which pointed
out certain other points in the program of the Nazi Party and statements
in Mein Kampf, for example, did you read these or didn't you?

A. I didn't read these Nazi papers, and I didn't read Mein
Kampf, either.

Q Did you read the opposition newspapers which discussed one of the largest parties and its program of the time, namely the Nazi Party?

A Well, I didn't receive any foreign newspapers, and in Germany, under Goebbels, everything had been synchronized in the press.

Q On that point, were there any newspapers after 1933, so far as you know, which were not controlled by Goebbels?

A Not to my knowledge. As far as I know, they were all under the leadership of Goebbels and were issued under his hand.

Q Yes, of course, I was merely referring to the period before 1933 when the defendant Mann joined the Nazi Party, and I asked you if you saw in the opposition newspapers statements concerning the program of the Nazi Party and statements taken from Mein Kampf. That is what I asked you.

Q I read these newspapers, particularly the Frankfurt Zeitung, which very often discussed the Hitler problem, until, in 1933, it was also subjected to the general regulations.

Q Now, did you read in any of these opposition newspapers, including the Frankfurter Zeitung, anything about the storm troops, the SA, of the Nazi Party engaging in street skirmishes against the State Police before 1933?

A Whether I read about that in the newspapers directly concerning the SA and SS, I cannot recall. I know only that street fights and some in halls took place and were disapproved among large circles of the population, while other circles were of the opinion that these were occurrences of a young, new and strong party and that these fights were directed mainly against Communism. That was the concept which I held.

Q Now, you knew that quite a number of wealthy Jews left Germany after 1933 and before the War broke out, did you not?

A Yes.

Q Did you notice or did you know enough Jews and see enough Jews

so that you noticed any appreciable change in the nature of the German population so far as Jews were concerned between 1938 and the end of the war?

A This question I cannot answer because I was known as a friend of the Jews at all times and as a man who had dealings with Jews as long as it was possible. I was punished by the Nazi Party for that reason, and therefore perhaps people were very cautious towards me in their expressions. But I did give letters of recommendation to Jews who went abroad and they had asked me to do so.

Q Witness, we are certainly not trying to find out here whether or not you personally did much, or did little, with respect to the persecuted Jews in Germany. I am merely asking you if you noticed that there were fewer Jews after 1938, after the ---

A Yes, of course.

Q How did you notice that?

A Because you would see loss of them.

Q Where did you think they were going?

A Well, partly abroad and partly they were arrested.

Q Did you have very many Jewish friends who were arrested and whom you didn't see again?

A Among the arrested people I had no friends; the friends I had went abroad.

Q Well, considering your circle, that is understandable. But did you discuss with any of these Jews what was happening to some of the poorer members of the Jewish faith after 1938, after the principal economic measures for eliminating Jews from the economic life of Germany which were published in the Reichs - Gesetzblatt?

A Jews who after 1938 were no longer in Germany I have not talked to again in the meantime.

Q Yes, that is quite clear. Did you know that Jews were kept in camps in Germany after 1938, after they had been arrested?

A Yes.

Q How did you find that out?

A The mother of one of my tallow workers had been sent to a camp and also the wife of another employee of mine.

Q When was that?

A About 1939 or 1940 -- I couldn't tell you with certainty.

Q Did you talk to any Jews in Germany, any poor Jews in Germany after 1939 -- the ordinary Jew?

A No.

Q Did you know where they were, these Jews that you didn't see after 1939?

A No, I didn't know that.

Q Did you discuss with any of your friends as to where these Jews were that were no longer visible on the streets?

A Well, there were only two possibilities; either they had gone abroad or they had been sent to a camp.

Q Did you ever read in Streicher's paper, Der Stürmer, during the war that it was no Jewish lie when the foreign Jewish newspapers said that the Jews of Germany were being eliminated?

A No, I never read Streicher's newspaper at all.

MR. SPENCER: That is all.

THE PRESIDENT: Do you have anything else, Dr. Berndt?

DR. BERNDT (Counsel for defendant Mann): Thank you, Your Honor, but I have no questions.

THE PRESIDENT: Then you are excused, Mr. Witness.

(Witness excused from witness stand.)

DR. BERNDT: May I, Your Honors, ask then that the defendant Mann resume his place in the witness stand?

THE PRESIDENT: The defendant Mann may take the witness stand again.

(WITNESS (RUDOLF MANN, a witness, took the stand and testified as follows):

1 April 1948-4-4SD-3-4-Schwab (Treidoll)
Court 6, Case 6

DR. HERMUT: Your Honors, many defendants in this courtroom have already discussed general questions like the question of the contributions and all these, and I ask the approval of the Tribunal to my not asking my client in detail about these matters because I feel we all are a little overtired of these questions. I only want to ask the questions in a quite general way, and if we hear the general negative answer of my client, then that it refers to all contributions in detail.

BY DR. BERNDT (Counsel for defendant Mann):

Q Mr. Mann, therefore I ask you to express your opinion on general questions, but not to give any details unless I ask you to do so because I think we can use the time for more important things.

At the end of your testimony yesterday you talked about a decision by the Commercial Committee, on account of these Farben representatives abroad, concerning their taking certain action. Will you please explain your view on that question?

A This decision provided that the employees who went abroad had to report to the local or district organizations of the Nazi Party or had to attend its functions. In fact, however, we did not enforce this decision but we only handled them as the regulation of a Party decree and we brought it to the knowledge of our employees. However, we took no action to see to it that this regulation was complied with in every individual case. If I may add, we did not give our agents any National Socialist literature for their personal instruction. I never heard either that, together with the AO, a plan had been elaborated in order to see to it that the deficiencies in our foreign agents were done away with. Now, what these deficiencies consisted of was quite clear. A great number of our men abroad were not members of the Nazi Party; on the contrary they were in strong opposition to it. If we had yielded to the urgings of the AO then it would have become necessary to remove quite a number of our directors. In fact, however, we succeeded in almost all cases in avoiding these consequences.

That there were fights with the AO in this matter is clear, but for that reason we took quite a number of positions which were a sort of bridge for the negotiations and were to serve as such. In this way we would find a settlement for the individual case and a settlement in every case which would be in line with our interests.

Q Mr. Mann, in order to demonstrate the matter in a more plastic way, could you perhaps tell me in how many foreign countries

there were representatives of Bayer?

A We sold to seventy-five countries, but we had independent Bayer agencies about fifty.

Q And how many employees did these fifty agencies have altogether, approximately?

A Approximately 1200, as a total.

Q How many Germans were among them and how many were nationals of the country in which the agency was located?

A Seventy-five per cent were of the nationality of the country and the remaining twenty-five per cent were Germans.

Q That would be four hundred?

A Yes, three to four hundred.

Q How many out of those three to four hundred Germans were members of the Nazi Party, approximately?

A Well, I can give you only an approximate figure--not more than that--because we never had a check on that. We never asked, and therefore we could base ourselves only on an estimate. It was our opinion that if fifteen per cent of these three to four hundred Germans were members of the Nazi Party, that was already a pretty high estimate.

Q I see. Do you know that at one occasion the Prosecution has referred to Bayer as a National Socialist organization? Will you please explain your view on that matter?

A I think that the very percentage I just gave you shows already that that cannot be correct. In the staff of the directors it was a little bit more difficult because these men, on account of their business duties and tasks, were obliged to negotiate with the representatives of the Government and with the ambassadors, the legations, the consulates, with the chambers of commerce, and of course also with the Nazi Party agencies. They had to remain in contact with them in order to settle commercial problems or to discuss their special wishes and desires. Doubtlessly, quite a number of them were

moved by those considerations to make up their minds to become members of the Nazi Party because in itself that would facilitate their dealings with the Government agencies. In some cases--and, as far as I know, in two cases altogether--these directors were members of the Foreign Organization of the AO themselves, where they were district group managers, but that was a private decision of the person involved. My principle normally was that I never tried to influence such personal decisions. That activity was in no way connected with the business functions of the person involved.

Q Did the Sales Combine Bayer have the special favor of the Nazi Party or the State?

A You certainly cannot say that. We have already heard here in this courtroom during the submission of evidence by my colleague Professor Hoerlein in what a mean way certain agencies of the Nazi Party attacked Farben during the first years after 1933. It is clear that just these publications at that time which came to the knowledge of quite a number of persons only increased the Nazi Party's unfavorable attitude against Farben and against our sales organization. However, I remember a specific case with regard to our Serum Commercial Agency. There a competitor closely connected with certain very high Party agencies--

Q Can't you give me the name of that competitor?

A Yes, it was the Anhalt Serum Works. These plants denounced us with the Reichsfuehrer SS, and even went so far as to make the application to have us cut off from the deliveries and supplies for the Armed Forces. They based themselves on the international and cosmopolitical attitude of the I.G. and that for long years Jews had remained in our administration, and particularly the fact that abroad many of our agents were also Jews.

Q I think that will do.

You yourself were in charge of the personnel policy of Bayer. Now, will you tell me how this personnel policy was handled with regard

to National Socialism?

A The first thing I would like to say is that the personnel policy was first of all a social policy and that this welfare activity and social activity we continued in line with the traditional I.G. policy in all the fields involved. We even developed this policy further. It was my aim to give all my employees a happy and financially secure life, and I think that the letters of thanks which have been sent to me on a voluntary basis, and even by the committee of employees today in force there prove that I succeeded in that task. Concerning the Party policy of my employees, I would like to state the same I said about the representatives, that I left to everybody a free decision on what would be his attitude towards this question. In my direct circle of collaborators, in my personnel office, out of eight persons there was only one Party member. None of the persons in my office would be able to claim that I ever tried to influence them to join the Nazi Party. My connections with Party leaders themselves were limited to official matters only. Hitler, Himmler, Goering--I never saw. Goebbels I saw once during a speech. I didn't even know one single minister of the Reich.

Q What was your attitude towards the persons persecuted in the Third Reich for political or other reasons?

A I always tried to help wherever possible the persons persecuted for political or racial reasons. I think, Counsel, that the documents you will submit to the Tribunal will make that clearer and plainer than if I gave you a long explanation on the matter.

Q Well, perhaps you can just give me one incident and one experience you had.

A Just in my efforts to help persons persecuted for political or other reasons I had considerable difficulties because I was closely watched by a Gestapo official, an employee of Bayer who was a member of the Gestapo, and he again and again tried interfere, if I wanted to help the person involved in these political actions, and to

prevent me from helping.

Q Well, now in order to conclude that chapter, I have one short question. As manager of the Sales Combine, did you have a free hand in settling these questions, or were you bound to regulations issued by law or by Government agencies or by the Party, or bound to directives or anything of that kind?

A If I had had a free hand, then we wouldn't have had all these difficulties. It is just the point that regulations and decrees and by the sufficiently well-known Party policy, particularly in the Jewish question, we were under official pressure to take measures, and there I can say for myself that until 1938 we had only one or two cases where we had to fire Jewish employees. After 1938 it is sufficiently known that the law for the elimination of Jews from commerce and economy was issued, and over and beyond that the Reich Agency for Exports, which was the executive organ for the execution of those measures, issued decrees and regulations which, in a quite unequivocal way, forced us to take measures in this question.

However, we carried this out in a way--and there I was in complete agreement with the members of my directorate that in every single case we gave such financial assistance that for a long period in advance the persons involved were financially secure. And on a voluntary basis we paid indemnities up to four years of salary. We never just threw a person out on the street.

I may say that the persons themselves always recognized that we did whatever was humanly possible because they were fully aware of the fact that we weren't the persons who carried out these measures but that these were official decrees. I can also add that we were sure that nobody, that none of the Jews or half-Jews which we had to release, was killed by the measures of the SS.

We are of the impression that just the way of our financial support made it possible for them to find their way in some manner or the other economically.

Q.- Now you know that the Prosecution have submitted documents, for instance the minutes concerning a decision of the Commercial Committee, from which the Prosecution wants to draw the opposite conclusions. In Document Book 14, that is Prosecution Exhibit 365, the Prosecution draws conclusions in the opposite direction. I ask you to explain that in a few brief words.

A.- Well, that has already been discussed here also. In this decision, a discussion was provided which Mr. von Schnitzler was to have with the AO, in order to carry out the unified discharge and release plan. I can really say that it was the opinion of all of the members of the Commercial Committee to take this position in order to use it as a basis for negotiations with the AO. Negotiations was the aim whenever possible, safeguarding the execution of our wishes.

These formulation of minutes have already repeatedly been explained with expressions like "window dressing", "camouflage", or "finding a back-ing". The situation is always the same, because to the then Government agency one always wanted to give the appearance of a correct execution in the sense of the orders but in practice we wanted to act in such a way that all considerations of humane and social nature were taken into consideration in every individual case.

Q.- I think we can finish now with that question, because after all I am going to submit quite a bit of evidence to the Tribunal in this matter. That brings me to another matter, the knowledge the Prosecution charged you with, of the aggressive war plans of Hitler. Mr. Mann, I request you to take into consideration what I told the Tribunal at the beginning and to be as brief as possible, and to refer, wherever possible, to statements made by your colleagues already.

A.- Of course the rearmament of Germany was known to me after military service and military safety. However, an insight into details with regard to the volume of the rearmament I did not have and I could not have. This rearmament I considered as a completely normal occurrence. I considered it only and alone in accordance with the view point of being ready for a defensive war. My eyes were always directed toward the East, full of anxiety. I never thought of any war possibilities in the West.

During the first years after 1933, it doubtlessly could not be ascertained or noticed that Hitler would take into consideration as a means of achieving his aims in the public program. Military sovereignty had been reintroduced. Proclamations were put on the pattern, Germany has to rebuild; Germany has to build itself up, and that war would only disturb this plan of reconstruction. This rearmament, which was explained to the public as a merely defensive measure, could not influence and diminish the strong will for peace anchored firmly in large circles of the people, and all official publications of that period took that will of the people into consideration.

I myself, with regard to an imminent, aggressive war, was so absolutely without any knowledge that in July, 1939, still, I invited all of the directors of our representation in England, - that were over 100 persons, - to come to Leverkusen and visit the plant. I had believed all of these peace talks of Hitler and I did not seriously think that there would be a war, and I did not see anything either in my private life nor in my business connections that I could have considered as a hint to aggressive war possibilities. For instance, the contracts handed out by the armament forces for medical supplies during the years 1937-1938 were so small in volume that quite apparently they were meant only for the supplying of a comparatively small military unit. The contracts handed out by the Armed Forces, for instance, in 1937, would make only one per cent of our turn-over in Germany

in pharmaceuticals.

From the documents which you, counsel, will later on submit, many more details in this connection can be found. Therefore, I think I do not have to enlarge here on my personal attitude with regard to the question of preparations for an aggressive war. They were very well expressed after the events of Munich, when I had considered Munich as a political maneuver and expressed my joy during a meeting, as is said in the minutes, that the danger of the world war was removed by the Munich agreements, and thereby disturbances and impediments in European and overseas business were avoided.

From these statements it is clearly shown that I did not think of the war, and that my fellow employees did not think of it either. We had no interest in war because our proud building, which we had built up during decades of peaceful work, could only be destroyed by war.

Q.- But didn't Bayer make a war contract?

A.- The very conclusion of this war contract, was a contract which covered a total volume of about 64,000 marks, could be considered by me only as a normal mobilization preparation in a sense we have heard here often. A contract for 64,000 marks, of course, does not mean anything, and for the supplies for fighting troops, it would be sufficient only for a few weeks.

In the field of serum, - the very important field of serum, for instance anti-tetanus serum, - which is very necessary during the war, no war supply contract had as all been concluded yet. Only preliminary negotiations had taken place, and no conclusion took place at all until after the war had actually started, when we then made a war supply contract for serum.

Q.- I think this point is also sufficiently covered now. Now in conclusion would you perhaps make general statements with regard to your activity with Bayer?

A.- I would like to express that the special nature of the Bayer business is anchored in its aims which approach humanity directly, because the point is to oppose suffering, diseases and epidemics by progress in the field of medicine, because the point is to work in order to prevent these epidemics.

The commercial activity of Bayer gave the financial means for the progressive work of the Bayer Laboratories which is recognized by the whole world. It was my task to channel to the whole world all of our products by an apparatus and a machinery of distribution cut on the most modern patterns. Misfortune has seen to it that my Bayer work which until 1933 had gone a peaceful and successful course, fell into a period of time which by the dictatorship of the Third Reich, and by its inhuman laws and measures, came into quite clear contradiction to the aims of Bayer and to the work of my life.

Q.- I am now going to ask you with regard to individual points of the Indictment. However, before that I would like to introduce a few documents which underline your statements. Therefore, I will ask the Tribunal to kindly take Document Book No. 1.

On page 1 you will find Document, Mann No. 3, which I ask you to accept as Mann Exhibit No. 2. This is a certificate by the Director of the Control Office for I.G. Farben where it is certified that from 26 April, 1946, until the 30 September of the same year, Mann had worked there to the satisfaction of these gentlemen, and in Document No. 3, to which I give Exhibit No. 4, you have a letter of 11 March of this year, where permission is given that the previous document be submitted here.

On page 3 you will find Document Mann No. 4, which I ask to be admitted as Exhibit No. 5. It is a letter by the Chief of the Decartelization Section, Mr. Lusky, concerning Mann.

THE PRESIDENT: Pardon me, Doctor. I am a little bit confused. Your Document 3 is your Exhibit 2. That is the first document in the book. Now what was your next exhibit?

DR. BERNDT: Yes, your Honor. The next exhibit is Exhibit No. 4, — No. 3. Oh, I sorry, I mixed that up somehow. I forgot No. 3, but we will come back to that. I will repair that. I ask that the numbers be kept in the way I gave them now, and I am going to give Document No. 7 on Page 4, No. 3, and then we will be all set again.

THE PRESIDENT: Thank you very much. I appreciate that.

DR. BERNDT: Document No. 7, which is now Exhibit 3, is an affidavit by one Skousen in the Cologne Danish Consulate, and there I would like to point out one passage on page 4, the last paragraph. This secretary says that after Denmark had been occupied by German troops, Mann was very much concerned with the welfare of Danish workers who were in Germany.

On page 6, your Honor, you will find Document No. 652, and I ask that it be given Exhibit No. 6. It is an affidavit by Professor Vershofen concerning the Institute for Economic Research.

THE PRESIDENT: Dr. Berndt, I think you misstated your Exhibit number. Your Document 652 is Exhibit 4. Is that correct?

DR. BERNDT: Yes.

THE PRESIDENT: Very well.

DR. BERNDT: Your Honor, I am now speaking of Document 652, and I ask that it be given Exhibit No. 6.

THE PRESIDENT: Where are Exhibits 4 and 5?

DR. BERNDT: Your Honor, pages 2 to 4, pages 3 to 5, — page 4 is 3 and page 6 is 6.

THE PRESIDENT: Let's forget about pages and take document numbers. I think it is a little easier to follow. Now your Document 3 is Exhibit 2. Your Document 7 is Exhibit 3, and your Document 6 —

DR. BERNDT: Just a minute, your Honor. Document 3 is Exhibit 4.

THE PRESIDENT: I do not see that. Document 3 is Exhibit 2. Take a little time out and get it straightened out and we will be all right.

DR. BERNDT: Your Honor, there is a mistake, but it is a mistake in the Book, your Honor. It is not my mistake.

THE PRESIDENT: We will not charge you with it.

DR. BERNDT: That it is not my mistake. It is the mistake of the book, because on page 1 we have document No. 3, and on page 2, the document is again numbered as Document 3. That is the explanation.

THE PRESIDENT: Let's start over again, and go slowly. Just a moment doctor. Your first document in your Book 1, ---

DR. BERNDT: Just a minute. It is Document No. 3, Your Honor.

THE PRESIDENT: That is Exhibit 2; is that correct?

DR. BERNDT: Yes.

THE PRESIDENT: Then your Document 7 is your Exhibit 3. That is the way you gave it to us a little while ago.

DR. BERNDT: Yes, your Honor.

THE PRESIDENT: Document 652 is your Exhibit 4?

DR. BERNDT: Yes, 4.

THE PRESIDENT: Now you are straightened out up to date. Now go along.

DR. BERNDT: May I go on then, your Honor?

THE PRESIDENT: Just a moment before you go on. Now am I correct that your Document 2 is Exhibit 5?

DR. BERNDT: Exhibit 5, yes.

THE PRESIDENT: Now that takes care of all the documents on the first page of your index. Now you are on your own responsibility from now on, Dr. Berndt.

DR. BERNDT: All right.

The next number is 653, - Document, Mann 653, and that will become Exhibit No. 6. It is a statement by Professor Vershofen.

Document, Mann No. 12, will become Exhibit 7. It is an affidavit by the secretary of Mann, named Langguth.

Then we have Document Mann No. 8, which will become Exhibit 8, and which is an affidavit by Dr. Krebs. I do not have to comment.

That brings us to Mann Document No. 11 which gets Exhibit No. 9. It is a statement by Langguth concerning the Reich Association of German publishers, - and that is followed again by Document No. 15, which will become Exhibit 10, an affidavit by the Manager of the Reich Association Industry, Sengen, who states that Mann was Director of the Colonial Economical Committee, but that that committee never actually became active.

That is followed by Document No. 165 on page 17 of the Document Book. It has already been submitted by the Prosecution as Exhibit No. 62.

THE PRESIDENT: You had better give it your own number, because it is in your book.

DR. BERNDT: In that case we had better give it Exhibit No. 11. After that we have Document Mann No. 10. I give it Exhibit No. 12. This is an affidavit by Professor Dr. Hunke, on page 21 of the Document book. He was the manager and later President of the Publicity Counsel of the German Economy.

On page 24 you will find Document 19, which will become Exhibit 13, and which is an affidavit by Werner Schmitz, dealing also with the Publicity Counsel of the German Economy.

On page 17 you will find Document 222, as Exhibit 14, which is the minutes of the Managers' Conference of Bayer of the 16th of February, 1937, where it becomes apparent that Bayer had received an order by the Publicity Committee of the German Economy and had not complied with this order, concerning Argentina. That is on page 31. On the next page, you will find Document 223, which is also the minutes of the

Managers Conference, which again shows that Bayer had not complied with an order of the German Economic Propaganda Council.

The next Exhibit is Exhibit 16, on page 31, and is Document Mann No. 162.

THE PRESIDENT: Just a moment, just a moment now. Document 223 is Exhibit 15; is that correct?

DR. BERNDT: Yes.

THE PRESIDENT: Document 20 is on page 29?

DR. BERNDT: Yes.

THE PRESIDENT: That is 16?

DR. BERNDT: Yes, 16, your Honor.

THE PRESIDENT: That takes you over to page 31, Document 162.

DR. BERNDT: Yes, your Honor. That will become Exhibit 17.

THE PRESIDENT: Dr. Berndt, I think a part of our confusion, - if you will pardon me, - is due to the fact that the paging in your book is different from ours. The German page and English page do not run alike, so if you will just forget about the pages, and give us the document numbers, we will follow you.

DR. BERNDT: I will state only the numbers, your Honor.

Document No. 164 will become Exhibit 18, and Document 221 will become Exhibit 19.

THE PRESIDENT: 224 is 19?

DR. BERNDT: 224, your Honor, quite correct. That will become Exhibit 19.

Document No. 220 will become Exhibit 20.

Document No. 221, will become Exhibit 21. I do not have to comment on that either.

That brings me to Document 216 which will be given Exhibit No. 22. This is an affidavit of Bintz, a licensee of the Offenbach Post, Bayer, showing that basically speaking Mann rejected any mixing up of propaganda material of a political nature with the commercial propaganda of Bayer.

Document 107, is Exhibit 23, and contains a statement of Weigandt, concerning the Proko.

Document 201 will become Exhibit 24, which is an affidavit by Krause on the ---

THE PRESIDENT: Pardon me. We got the translation "201". It is really "101" is it not? Dr. Berndt?

DR. BERNDT: 101, yes, your Honor.

That brings us to Document No. 31, your Honor, which will become Exhibit 25. It is an affidavit by Director Gerhard Zahn, concerning Mann's activities as a member of the Aufsichtsrat of the Behring Werke.

The next document is 166, and it is Exhibit 26. It is a statement by Dr. Kueger, to which I do not have to give any explanations.

The next document will be 614, and it is Exhibit 27 where Dr. Haberland explains the connections and relations between the Sales Committee of Bayer and the Bayer Plants.

The next document is 161, Exhibit 28, which is an excerpt from a memorandum on a session of the Commercial Committee.

The next document is 163 and we will give it Exhibit 29. It is again the cross-examination of the witness Frank-Fahle concerning the Africa Committee.

The next document is 160 which will become Exhibit 30. It is minutes concerning a Managers' Conference at Leverkusen, and that your Honors, concludes even if it is with difficulties, the first volume, and I may now turn to Document Book 2.

THE PRESIDENT: It is time for recess.

DR. BERNDT: Very well, your Honors.

(Adjourned in recess until 1115 hours.)

THE MARSHAL: The Tribunal is again in session.

BY DR. BERNDT:

Q Mr. Mann, we have already stated this morning that we need not discuss all individual contributions, so that we don't have to go into detail. May I ask you whether you heard about these 400,000 marks contributed to the election campaign, the 100,000 marks for the SS etc. Did you know about these contributions before they were paid?

A No.

Q Do you remember that immediately after these amounts were paid they were discussed in the Vorstand?

A No, I don't even remember any discussions about them in the Vorstand.

Q When did you hear about these contributions for the first time?

A Through the Indictment.

Q Then I believe that concludes this chapter altogether. I must ask you, however, to give me some details about those contributions that were paid by Bayer. I believe that you can again be very brief.

A The exhibit of the prosecution 821 in Document Book 45 speaks about this. That is the affidavit of the chief of the sales bookkeeping department of Bayer, Mr. Hausen, who has been examined as a witness here. The figures which Mr. Hausen gives are undoubtedly correct. But one thing is not correct, and that is that the affidavit he gave was a list of the Party political contributions for payments to German clubs, homes, and schools. Contributions made to chambers of commerce undoubtedly do not belong in the chapter of Party politics. Furthermore, because of our pharmaceuticals, we had entered into special obligations

about social welfare assistance. We helped out hospitals by subsidizing them, if by reason of epidemics or sickness and large scale diseases the normal budget was not sufficient for these hospitals. But all of these are contributions made in the course of normal business and are undoubtedly not the subject of any dispute. In regard to the contributions to the Party, one can see, if one adds up all the figures contained in Prosecution Exhibit 821, that for the Party, including the labor front, "Strength Through Joy" movement, and the National Socialist People's Welfare -- if we add all this into the Party contribution, then in a period of eight years one arrives at a total payment of 21,000 Reichsmark. That is distributed over the 36 countries in question. That amounts to an annual payment of 70 marks per year, that is, and per country.

Q We can turn from this point now and devote our attention to Roman Numeral I (b) of the indictment. In connection with the mobilization plans, it is stated there that the commercial members of the Vorstand as well played an active part in that question. You were a commercial member of the Vorstand; comment on this charge, please.

A The part of the mobilization plans which affected us business men only referred to one question; that was to draw up a compilation of those employees who could be expected to be drafted to the army if war broke out. For the case of mobilization, one had to be quite clear as to what employees and workers were going to be called up. We, as a firm, had to consider how we were going to get replacements for the lack of workers or how we were going to make up the loss by reorganizing our business. We did this work amongst ourselves internally. I actually found out that this plan was never requested of us, but I wanted to explain it also for the other

sales combines which were in a similar position.

Q In the records of the meetings of the commercial committee, the "M" question is frequently mentioned. What does that mean?

A The "M" question was the usual designation for all projects or records that dealt with the safeguarding of the requirements of personnel in the mobilization case. We still used this expression in our records after the war broke out. That was not quite correct because the mobilization case had already occurred when war broke out. But one retained this expression, and during the war the expression "M" question was used. By this expression we meant those informations which we tried to gain about imminent new drafts for the army. That was when new classes were called up into the army. Of course, we were interested in finding this out as early as possible so that we could make our dispositions and reform our personnel budgets.

Q Did you have anything to do with the mobilization plans for the pharmaceutical factories?

A No, that was the affair of the plant management. It has already been described here that they were given their orders from the Reich authorities, and they again in turn from the Reich Economics Ministry.

Q Very well. I have already dealt with the war supply contracts briefly before. Have you anything to say in supplementation?

A No.

Q Did you ever have anything to do with the Vermittlungsstelle-W or with the Department "A" of that agency?

A On principle, we had nothing to do with the Vermittlungsstelle-W, but I believe that the war supply contracts

1 April-M-IL-8-4-Gaylord (Int. Katz)
Court VI Case VI

were sent to us through the Vermittlungsstelle-W. That was part of their function. In regard to Department "A", I don't remember anything about cooperation. We didn't have to deal with any counter intelligence question in the commercial sector. We didn't have any counter intelligence agency of our own either, and I cannot remember that any event ever occurred which might have given us any reason to call in Department "A".

Q. Did you have anything to do with the Four Year Plan?

A. No.

Q. In Count IC of the indictment the economic mobilization of Germany for the case of war is discussed. In Prosecution's Exhibit 421 Goering's speech to German industrialists, held in December 1936, is discussed. Have you any comment about this?

A. I merely want to explain in that connection that I never received any information about it directly or indirectly. I didn't hear anything about it from Mr. von Schnitzler. I didn't see the dye-stuffs committee record because I didn't get any such records anyhow.

Q. You know that Farben is charged with having created a war machine for the Nazis. Do you want to comment on that briefly for the pharmaceutical sector.

A. In the pharmaceutical field and in the field of the other products that belonged in our sales combine, the circumstances accompanying the production that we actually observed and our mail that came in and went out — business mail — was not of any nature that might have indicated that a war machine was being created. The production and the distribution of the remedies, sera, and insecticides were carried out in a completely normal course of peacetime business, and we didn't make any particular stocks.

Q. Did you yourself have any insight into the other production fields of Farben?

A. Of course, by reason by reason of my participation in the Vorstand meetings I was informed generally about the development in the other fields of work of Farben, but at no time did I ever gain the impression from the authorities that our firm participated particularly in armament. Our measures seemed to be quite in the course of a reasonable, normal business and economic development in Germany.

Q. In that connection the prosecution mentions the visit of the gentlemen Bueteffisch and Gattineau to Hitler. What did you know at the time about it, and what do you know about it now?

A. Of course today I know quite a bit about it. It's quite clear. At least I know what's contained in the indictment about it. I can only say that particularly during those times when he was still the chief of the economic and political department I had business and personal contacts rather frequently with him and I must admit that he never told me anything about that visit which he probably didn't consider very important either. And about the assertion in regard to the alliance made with Hitler I want to say quite generally that from 1931 on I was a member of the Vorstand and I participated in almost all meetings, but never did I hear anything there that might have even remotely looked like an alliance that we wanted to conclude with Hitler, and actually there was no such alliance ever concluded.

Q. The prosecution furthermore contends that practically all industries of Germany had been dependent upon Farben. Or to put it differently, that Farben had played a predominant monopoly position in Germany. What do you think about that assertion of the prosecution?

A. I don't want to discuss Farben generally here because my colleagues have already talked about their fields of work or will do so, I can testify as an expert witness only about my field of work — that is pharmaceuticals and insecticides and sera and vaccines — and there, in that connection, I want to state quite explicitly that Dr. Struss's affidavit is quite inexplicable to me when he says that we controlled sixty-five percent of the production in the pharmaceutical field. He says that we controlled one hundred percent of the sera production. Both figures are completely wrong. In connection with the Association for Market Research with whom I was personally connected, we constantly investigated the market long before the war in order to determine the share that Bayer had in the pharmaceutical business in Germany. The result of many years of investigation always gave the same proportional figures. In the pharmaceutical business they were approximately twenty-two percent and in the general mendicants — the drugstore business — we only participated with ten percent. In the sera business the share was a little higher — we had

about fifty or sixty percent. But at any rate we also had a whole number of competitive firms in this field. I want to mention briefly that there were altogether two thousand firms in the pharmaceutical industry in Germany. Twelve hundred of them were very small enterprises. The other eight hundred were a little larger and altogether there were fifty or sixty firms that had and owned their own scientific work — such as Bayer, Merck, Schering, Boehringer, Knoll and the other well-known firms.

Q. It could perhaps be quite interesting to learn from you what share the Bayer business constituted in the overall turnover of Farben.

A. The share in 1933 amounted to 9.4 percent and in 1942, 7.3 percent related to the entire turnover of Farben.

Q. In Count IE of the indictment it is stated that the defendants von Schnitzler, Ilgner and you had drawn up an export program for the entire German industry. How about that?

A. This question has been dealt with in detail by my colleague, Dr. Ilgner. I can only corroborate completely what he said. We never took the initiative in this matter. We didn't have any interest in taking the initiative because the core of the supporting program for the export business was the constructing of an equalization fund — a compensation fund — from whose resources business was to be financed. Those businesses which normally would no longer have been concluded as export businesses. This support fund had the purpose of making all firms pay a certain contribution and then these firms made applications for certain transactions in which the normal budget did not permit them ordinarily to conduct this business from their own means and, of course, we were quite clear at the time that we would be only the ones who paid in. We were good businessmen and therefore we tried to get back as much as possible from this common fund. But this has already been explained and that it was not possible. That is, not completely. This export promotion fund cost Farben 105,000,000 Reichmarks. I believe that is sufficient to show that we weren't interested in it. In the case of Bayer it was similar. The

settlement that applied to all of the German industry, of course, also applied to us and we even got a smallshare back from the common fund. I don't have to go into details here, I believe.

Q. In 1937 didn't the Plenipotentiary for the Four Year Plan create a new position which concerned itself particularly with the promotion of export?

A. That is correct. This position was discussed at the time in the commercial committee and also on 19 August 1937 during a meeting of the directors of Bayer this was also discussed. Nothing came of this matter however. The regulations of the Reich Ministry of Economics were the only ones that were in force for this question.

Q The prosecution furthermore contends that Germany was poor in foreign exchange and that for that reason large firms and particularly Farben had concluded business at a loss abroad in order to supply the Reich with more foreign exchange. What do you know about that?

A I can state only that we did not conclude any business transactions abroad in the course of which we took a loss. I, we had miscalculated -- of course we had products for which we could not calculate the price so easily. But we never concluded any business transaction in which we were not compensated for through the export fund. In other words, if the equalization which was not paid unrestrictedly from the fund, but was paid according to certain directives -- if this compensation was not sufficient to cover the loss that might have occurred, then we didn't transact that business at all. Then, in order to answer your question quite clearly, we didn't conclude any transaction with the sole purpose in mind of procuring for an exchange. We considered the commercial principles and we never left them out of our considerations.

Q Do you want to say any more about this chapter of export promotion?

A Yes, I want to point out that the Bayer sales combine undertook their own steps in the promotion of export.

Q You mean the Bayer Export Plan?

A Yes. This export plan was a special action of the sales combine undertaken after the war broke out in order to safeguard a greater mobility in regard to our transactions with the foreign exchange control agencies about our exports. I shall try to explain this briefly. The foreign currency regulations had, in the meantime, become so complicated that the intervention of the Reichsbank in our own financial affairs had become so strong that we really were not masters in our own home and longer, and I wanted to achieve by this export plan that we should state to the Reichsbank and to the government that we guarantee a certain procurement of foreign exchange from our exports and that in return for this promise you, the government, should liberate

us from all foreign currency control that prevents our normal business development abroad. And that was done on a trial basis for one year.

Q What was the result of this Bayer Export Plan?

A The result eventually was that we were given certain facilitation about foreign exchange transactions and that we could maintain our business, but we certainly had no increase. The war made that impossible already. But the general promotion of export that I discussed before and also the Bayer export plan both had the same tendency. The expression "promotion of export" should really be replaced by the expression "maintenance of export."

Q What was the share of Bayer's exports in the entire exports of Farben?

A Eighteen percent of Farben's exports.

Q What share did Bayer's export business have in the entire business of Bayer?

A We were very intensively oriented towards export. We had seventy percent export and thirty percent domestic sales, and that explains why we developed such a strong activity in all these questions. It also explains why we developed such a strong activity in all these questions. It also explains, Dr. Berndt, if I may add, that we were not interested in having a war which would only destroy this export business built under so much difficulty.

Q I now turn to Count IF of the indictment, paragraphs 51 and 52 of the indictment. Under point 53 of the trial brief it is stated in that connection that Germany used the conception of cartel as a means to increase its ability of waging a war, and, on the other hand, to weaken the defensive force of its possible enemies. What have you to say about that in your capacity as chief of the sales combine Bayer?

A During the period of time when I worked for the Control Office of Farben in Frankfurt I also conducted investigations for the

decartelization branch about the so-called cartel agreements. The result was the following, briefly. From altogether 287 contracts concluded with Bayer on 1 September 1939, twenty-two of them were so-called cartel agreements. But this collective conception which is quite customary in the United States doesn't hit the nail on the head; what these commercial contracts meant. They were conventions about the distributions of quotas and simple agreements about prices. I can say generally that the so-called cartel policy in the pharmaceutical field had a very sound basis. If I talked about two thousand firms before, then I must correct this. These were all firms, or they are still today firms, that produced specialities on the basis of a small amount of chemicals that they had produced for the pharmaceutical business. In other words, they are firms that have certain manufacturing or financing that was shown in the film yesterday. The basic materials for the pharmaceutical specialities are inventions -- the synthetic materials. They were produced only by about ten firms in Germany and from them through mixtures and other processes in various combinations, so called new specialities are produced that are all given a proper separate name. These ten firms, of course, had to be coordinated about their policy and for this purpose certain conventions were entered into in various pharmaceutical chemicals. That has nothing to do with suppression or monopoly cartel economy.

Q Dr. Von Knierim dealt with this point in great detail. Do you accept his statements?

A Yes. I want to emphasize particularly his indication to the possibility which was given according to the law in Germany to force certain firms to enter into cartel agreements.

Q Thank you very much. You mentioned also international conventions. Did any United States firms participate in them?

A American and English, French and Swiss firms participated. The American laws, for instance the anti-trust law, had to be taken

into account, for the American firms, and therefore no proper contracts could be concluded.

Q Were any products retained or kept back from the market in order to paralyze foreign industry or to have any other detrimental influence on them?

A No, not in a single instance. We always considered it our foremost task to make all products available to all countries of the world without exception. But I want to point to the case of atabrine in the United States, not in reference to the indictment because they have covered that point of the indictment, but only to bring it as an example as I could give many more such examples. Our atabrine obligations to the United States were met very loyally by us. Long after the war broke out in Europe, until the first months of 1941, we shipped this stuff to the United States in roundabout ways that were very difficult and our partners recognized that without reservation.

Q Do you want to go into any further details with contracts concluded with firms in the United States?

A I want to support Dr. Forster's statements, who talked about the general collaboration of Farben with American firms. In the special field that was part of my responsibility, a number of contracts were concluded with American enterprises.

Q Do you want to give us a few names?

A DuPont, in the field of plant protection -- Sterling Brothers in Wheeling, West Virginia about pharmaceuticals, and with the same firm, an agreement about a fifty-fifty contracts in Great Britain, Ireland, Australia, New Zealand, and in South America. Besides that there was a contract with Czechoslovakia and Switzerland. Then the contract we will deal with later, with the firm of Rhone Poulenc. These are the most important contracts that I mention now.

Q Was there anyone among these contracts which comprised the entire pharmaceutical assortment of Bayer?

A. First, I want to answer, that in view of the large assortment and variety of pharmaceuticals we had, it would have been an exceptional case if we had contracted for all the entire pharmaceuticals with any one particularly. There were always certain varieties in which contracts had to be concluded -- so - called all-comprising contracts which took in all the entire variety of pharmaceuticals. There were only two, the so-called OMNIBUS contract, with the sterling products, and the contract with the Rhone-Poulenc.

Q. We shall deal with that part in detail. I want to know one thing from you in that connection. In the contract concluded with the sterling corporation, was there any profit provided for?

A. The contract with the sterling products corporation had the end in mind that the profits were to be split up fifty-fifty.

Q. How about Rhone-Poulenc?

A. In the case of the Rhone-Poulenc, they had to pay license fees calculated on the amount of the turnover.

Q. I believe that is sufficient. I now turn to Paragraph 58 of the Indictment. There the Prosecution contends that the foreign agents of Farben were the germinating core of the National Socialist mongering all over the world, and that Farben employees were camouflaged as business men to the outside world, but that they were actually employed in espionage and intelligence activities in connection with Germany's preparation for war. Before you answer that question, would you please comment about the propaganda.

A. Within the framework of Farben, the sales combine Bayer was undoubtedly the part which did most of the economic publicity work.

We addressed a large number of periodicals all over the world, not only to physicians and pharmacists but also to the little consumers. The materials which were sold by the little consumers and which were bought by the little consumers, did not have to be sold on a prescription basis. That is to say, they were sold freely in the stores. This method of selling could only be effected by publicity and advertisements. For that purpose

we drew up a large publicity machine, but we never, never put this advertising machine in the service of the National Socialist propaganda.

Q. I want to interrupt you. Will you please explain the difference between the word "propaganda" in German and the word "propaganda" in English?

A. I believe that has been done. "Propaganda" in German is more political, and "propaganda" in English is used mostly in a sense of advertising.

Q. Very well. How about this charge of the Prosecution?

A. I can answer that all the requests which were addressed to us to combine political propaganda with our commercial advertisements, all these requests were flatly rejected. It was not done at all by us, for all of our economic advertisements for the business abroad was done by the agents in the Foreign Office. We were always given sample copies, and we knew exactly what material was contained in these advertisements and what material was distributed abroad.

Q. After 1933, did the commercial advertisements for Bayer products increase?

A. Within the framework of the International development of our business, but not in connection with the political development.

Q. Doesn't a certain connection exist, nevertheless, in connection with the political development propaganda, mainly because German products were boycotted abroad and that your advertisements were influenced by this?

A. That is correct. That is, of course, a special circumstance which was caused by the judgment abroad of the ascension to power of Hitler, particularly in 1934 when the culmination of German boycotting was reached abroad. I considered it my duty, in order to safeguard Bayer's business interests, to publish information for the use of our agents abroad in which I described, to the best of my belief, the situation as I saw it at the time. I must emphasize the reason why I did anything at all in that direction. It was, of course, solely to safeguard the

business interests of Bayer.

Q. I shall deal with that point later when I present the documents. I believe that these statements suffice.

May I ask you to come now to the question of the so-called liaison men?

A. In view of the large size of Farben, its international relations, the tremendously large varieties of products, its scientific and technical standards, it was a matter of course that we had an economic intelligence service that could not possibly be good enough. Next to the information given to us by the Political Economic Department and the Political Development Department, we gained additional economic information from German, but that was so self-evident that I do not even have to make a pretense of discussing it now. Among these liaison men, there were a few people from Bayer as well. I read their reports, and I must admit that I did not find anything in them that might, in any way, look like information of an espionage service.

We were interested in getting all the information that we needed in order to be able to evaluate properly our business relationships, and, as for instance, documents have been submitted, quoting certain passages from newspaper articles in reference to the increase in military budget of South America. These articles were sent to us by our liaison men. It is quite clear that I had to know about it because if a country increases its military budget, it also means an increase for the medical service of the Army. There was certain competition conducted for remedies and in the case of these countries, one had to know of these things as early as possible.

Q. According to what principles were these liaison men chosen?

A. Solely upon technical and factual considerations.

Q. Mr. Mann, I should like to ask you to look at Document Book 44 of the Prosecution. Have you got that book before you? There is exhibit 782, page 89 of the English, and page 99 of the German, which is a letter to the Winthrop Chemical Company, New York. Attached to this

letter is a circular letter of the director, dated 14 December 1933. I ask you about this because the public prosecutor emphasized this letter particularly. Will you please comment on that?

A. For many years before 1933, we constantly -- that is, the Bayer Sales Combine -- sent a survey of the past business year to all of our agents. At the end of 1933, the business year was compared with others and a cumulative survey was drawn up in which I gave information about the business development, and I also took this opportunity to make general statements about the development in 1933 under the new National Socialist government. I believe that that statement was objective and quite calm. It was not to be any propaganda for the Nazis. Our representatives, to whom these reports were sent, were to get from these reports the information on the situation as we looked at it at the time, and letters were intended to accompany these reports. The report very strictly represents the opinion that I myself held at the time, and that I have already described yesterday in this courtroom. I believe, that on the basis of this letter, one may charge me with having committed a political error, but that isn't evidence to be indicted in a so-called "War Criminals" trial.

Q. In the same volume, there is, on page 94 of the same exhibit number 784, an assertion which is intended to show that Bayer sent the Reichstag speech of Hitler of 30 January 1944 to Belgium.

A. I cannot answer this from my own knowledge. I do not know whether Bayer considered sending this speech to Belgium. However, if it was done -- which is quite possible -- then I cannot consider this to be anything strange because the contents of this speech were published throughout the world, in newspapers, and broadcast on radios. I assume that some particular passages in this speech -- passages which are no longer with me now, had some relation to the economic question, for instance, export, and so on.

Q. In the same volume, on page 93 of the English, exhibit 783, there is contained a charge that Bayer sent a speech of Hitler in

reference to the readiness of Peace of Germany to about 16,000 physicians.

A. It was, I think, a speech made in 1933, and asked for understanding among the nations. If I sent the speech in which the Supreme Chief of the German government wanted and asked for peace, then it was only to show that he wanted an understanding among the nations.

Q. On page 95 of the English of the same book, there is exhibit number 785. This mentions that Bayer advertisements had appeared in foreign newspapers and that a circular letter of the directorate was sent around insisting that advertisements in these newspapers were prohibited. What have you to say about that?

A. That was not a prohibition that these advertisements be banned in foreign newspapers generally, but only newspapers that had incited and slandered Germany in their columns. I could not approve the publication of advertisements in these papers. One does not give advertisements to newspapers that slander one's own homeland. No one, I believe, would do that.

Q. Exhibit 786, on page 96 of the English, in the same book, contains a record of the meeting of the Directorate of Bayer under your chairmanship. Under Paragraph 110, it is said, "The public demanded from our foreign agents that they restrain from any political activities from Germany." Continuing the quotation, "At every possible opportunity that presents itself, the people have to be expected to do this orally."

A. Am I to comment on this?

Q. Please go ahead.

A. I can say that that is just as self-evident as the case previously described. I am not going to hire or retain any representatives whom I know would work against my home land.

Q. In Book 45, on page 3 of the English, exhibit number 800. This charges Bayer with having made available propaganda material for the Brazilian radio. Do you know anything about that?

A. Yes, quite a great deal. The President of the Republic of

Brazil asked us, at the time, to make available to him or the Ministries concerned, certain documents for a radio speech that was to be given against Communism. I agreed in this case, and it can be seen, from the documents, that we used the opportunity to ask our agents not to accept such matters in the future but to direct them to the Office. The fact that we made our gentlemen abroad available to help in such a program should not be held against us.

Q. In the same book, number 45, on page 18 of the English, there is exhibit 803. This is the minutes of a meeting of the Directorate of Bayer of 16 February 1938, under the chairmanship of W.R. Mann. The Prosecution emphasizes particularly that under paragraph 81, it says, "The chairman, " that was you, "pointed out our unequivocal National Socialist orientation in the entire Bayer Sales Combine." Since the Prosecution emphasizes this particular point, I must put it to you also.

A. That was the point, approximately at the end of 1937 or at the beginning of 1938, when we received particularly serious complaints of the party agents, particularly the A O, with reference to the conduct of our agents abroad. In my testimony this morning, I have already pointed out this circumstance. I considered it absolutely necessary to have this incorporated into the minutes of this meeting, so that I could point to this record when I had any dealings with the AO in the future. I had no other purpose in mind with reference to this portion of the record.

Q. In the same minutes, under paragraph 85, there is found another remark, with reference to the fact that "the few still remaining Jews abroad must be eliminated according to plan." This has been used directly against you by the Prosecution, Mr. Mann. What have you to say about that?

A. May I remind you of the regulation about the elimination of Jews from economy, which is a National Socialist Law, and may I further remind you of the other regulations that I have mentioned already this morning. Nothing could be done against the regulation itself, of course, but we did one thing. We could continue the execution of the

regulation in such a manner that it did not have such a harsh effect on the people as it was originally intended to have. When paying compensations to our agents, we were very liberal and magnanimous. This is a fact about which you, Dr. Berndt, are going to present documents to the Tribunal. To evade this regulation altogether was entirely impossible.

Q. In the same book on page 170 of the English text, there is exhibit 129. Do you have it before you?

A. Yes.

Q. This contains a letter signed by you, directed to a certain Hermann in Buenos Aires, dated 25 February 1938. In this letter you request your foreign representatives to support the agents of the Party in their official work. What have you to say about that?

A. If one considers and calls back to mind the difficulties of those times, when I think particularly of the fact that any dispute that arose with party agents abroad -- and that happened almost constantly in all countries in which we had any business -- in the final analysis came back to me. It was very easy for our representatives abroad to keep aloof from the Party. After all, they merely need not maintain any contact with them abroad because, in the foreign countries the Party had no power. We felt that power only here in Germany and the AO abroad, and in any country, of course, wrote to its agency in Berlin, to a certain Mr. Naibel, member of the Vorstand, who had taken it upon himself to deal exclusively with the questions of the AO. Mr. Naibel wrote me a letter and then finally I had to take some decision in this matter, therefore I said to these agents abroad, "Do not make it so easy for yourself and by so doing, don't make it so hard for me." Can't you see it? It was to get some understanding for these people, with these men. It is easier to evade the difficulties abroad and to remove them by talking to these people, rather than to have everything come back to me. That was the purpose of this letters which, by the way, was sent to all agents abroad.

Q. Exhibit 780 in Book 44, on page 83 of the English, contains a circular letter of the Directorate, No. 23, dated 29 March, 1933. This refers to the incitement not to buy German goods abroad. How about that?

A. This circular letter, No. 23, is a proof for my attitude in regard to the procedure against the Jews, but I always maintained in this circular letter, signed by me, the photostatic copy which I have before me, states: "We regret tremendously that the conduct of certain foreign circles makes necessary retaliation steps against Jewish businesses at home, and we hope that this is only a temporary counter-measure." I believe this clarifies how this circular letter is to be understood.

Q. In the same book, on page 102 of the English, there is Exhibit 788. This contains correspondence dealing with the foundation of a correspondence office in Argentina. This office was to work in a camouflaged manner. Do you know anything about that?

A. I didn't know about this matter as such, but through your efforts, Mr. Berndt, it was possible to reconstruct these events, and we were able to find out that this had nothing to do with the party at all. This was a purely economic consideration to set up or to support a correspondence office in Argentina under the patronage of the German Chamber of Commerce in Buenos Aires. No state or party agency had anything to do with this affair. These were purely economic considerations, and the camouflaged referred to the fact that it was an association incorporated according to Argentina law which was not to show its German character.

Q. The Prosecution further more contends that by making available money, Bayer had supported intelligence offices, and to prove this contention, in Book 45, on page 175 of the English, the Exhibit 822 had been submitted. In this exhibit a contribution of 50,000 Reichsmarks is mentioned which was paid to the AO, the foreign organization of the party in December, 1942, in Madejra. It was paid by way of La Chimica,

Barcelona. Do you know anything about that?

A. I was able to check this affair and I can clarify this matter. The La Chimica Barcelona was our agency in Spain; the provincial chief of the foreign organization of the party in Spain was at the same time the chairman of the German Schools in Spain, and in that capacity as chairman of this school association, he asked us for a contribution to reconstruct a certain school that had been destroyed during the civil war in Spain. We made a second contribution to the same address in connection with remedies, pharmaceuticals; both contributions have nothing to do with political contributions. They are only of a charitable and cultural nature to support Germanism in Spain. I did not consider that a crime at any time.

Q. In Book 46, on page 3 of the English, Exhibit 826 has been submitted. This deals with making available 300,000 pesos in April, 1941 on behalf of the embassy in Buenos Aires. First of all, tell me what is the approximate value of 300,000 pesos?

A. Thirty thousand Reichsmarks.

Q. And what do you know about this affair?

A. The German embassy in Buenos Aires, upon the instigation of the Reich Ministry of Economics, needed this amount for purposes of the Reich in Buenos Aires, that is to say in Argentina. The transfer of amounts of foreign exchange from Germany to Argentina was not possible at the time because of foreign exchange regulations valid in Argentina, and the Reichsbank, which was the supreme agency controlling all foreign exchange, incoming foreign exchange of German firms, instructed us to make available from our income of pesos in Buenos Aires 300,000 pesos for the German Embassy. We were only a paying office; we had nothing to do with the event itself.

Q. In the same book, there is Exhibit 827, on page 5 of the English. This maintains that the Chimica Bayer in Brazil had been liquidated because of espionage activity. What do you know about that?

A. About that we merely know that it is correct that during the course of the war all branches of German firms in Argentina were liquidated. The reason that was given was because of espionage activity, but it was never proven. We never received any certificate or confirmation that this reason was really the sincere underlying reason, but we believed since all branches were liquidated, all German branches in South America were liquidated because of espionage activity, we believed that one gave that as a general reason because one wanted to give some legal justification.

Q. In the same document, under the next paragraph, it says that this Chimica Bayer was fined 1,146,250 Reichsmarks, a very considerable fine; what do you know about that?

A. I still remember this case because we found ourselves very much involved with this at the time. The basis for this transaction was an event similar to the one described by me before. The Reich needed for its own purpose abroad foreign exchange and it used our income that we had in the country concerned to get foreign exchange for itself, something that was quite within the competency of the Reichsbank and only within its competency. During these transactions it was customary that we also were interested in them and that is the reason why we received them. Our interest was that our assets abroad that had been frozen in many cases, because the country concerned also didn't permit any adequate transfer, methods, that is in that way we were able to have our pay, our income received by a German agency in Argentina and the Reichsbank in Germany put it to our credit in Reichsmarks. This way two people were helped. The German agencies had their foreign exchange and we had our credit in Germany. This fine because of illegal commercial machination was in reality a fine because of infraction of the Argentine regulations about foreign exchange control. We clarified that in a very short time and said immediately we have got to have that money replaced by the Reichsbank, for they were the ones that caused us

to undertake this transaction, and the Reichsbank agreed and admitted that this was so. Thus it is quite clear that we did not commit any illegal act; otherwise, the Reichsbank wouldn't have assumed the responsibility.

Q. Two more questions about this chapter of the intelligence service. In Document book 46, on page 24 of the English, Exhibit 832 is submitted. It is that upon request of the Propaganda Ministry Bayer had furnished addresses to that Ministry because the Propaganda Ministry wanted to send publications to these addresses. What do you know about that?

A. That was a very delicate request which I received at the time. One couldn't simply say no, and we just simply didn't see why we should make our collection of valuable addressed available to the Propaganda Ministry. That is why I said you send us the envelopes and then we shall have them addressed in our address machines; then, we have complied with your request but you don't have our addresses because we are going to send them out right away. I must admit that one of my people got that idea and in Berlin, as I said, it was considered a very good idea that I put this handwritten note myself on the original because I was concerned with not giving up this valuable collection of addresses. In addition, I must explain that the entire thing didn't take place at all.

Q. My last question. In Document Book 49 there are eleven exhibits, Exhibits 901 through 909, and 911 and 912. In these exhibits general situation reports are submitted which Bayer received from its foreign agents. Can you comment briefly on this matter?

A. Yes, very briefly, because I have already done so; these are the Farben liaison men reports and they are economic reports about which I have already testified about. I can only confirm that the exhibit numbers that you have mentioned are also covered by this testimony.

DR. HERNDT: I am to touch upon a new subject, espionage; may I ask that I take this up after the noon recess?

THE PRESIDENT: The Tribunal will rise until 1:30.

(A recess was taken until 1330 hours, 1 April 1948.)

AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours, 1 April 1948.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Dr. Berndt, may I interrupt your examination long enough to make a statement for the record.

DR. BERNDT: Yes, please.

THE PRESIDENT: By orders dated 18th November and 8 December, 1947, the Tribunal assigned to Mr. Mulroy as its commissioner.

DR. KRETSCHER: The sound system is not in order.

THE PRESIDENT: I shall report. There seems to be some difficulty with the sound system. By orders dated 18th November and 8th December, 1947, the Tribunal assigned to Mr. Mulroy as its commissioner the matter of supervising the cross examination of forty-three affiants whose affidavits had been offered in evidence as a part of the Prosecution's case in chief. The commissioner filled a report showing that of these 43 affiants he has conducted cross examinations in 14 instances; that 16 cross examinations were waived by Counsel for the Defendants; that 10 affidavits which were the subject of cross examination were withdrawn by the Prosecution. That leaves three affiants yet to be cross examined and I should like to state their names for the record. They are Moses Zlotolow, Z-l-o-t-l-o-w; Guenther Lotzmann, L-o-t-z-m-a-n-n; and Leon Staischak, S-t-a-i-s-c-h-a-k.

The Tribunal now directs that if Counsel for Defendants desire to cross examine these three named affiants, they shall file interrogatories with the Secretary on or before April 12, 1948. If interrogatories in the nature of cross examination are not filed on or before April 12th, cross examination will be deemed to have been waived by Counsel for Defendants. If interrogatories are filed on or before April 12th, and if for some reason beyond our control these interrogatories cannot be answered within such time as the Tribunal deems to have been reasonable, then the Tribunal will by its order strike from the evidence the Prosecution's affidavits where interrogatories have not been answered.

Will Counsel for the Defendants who are present see that their associates are advised of this order?

You may proceed.

DR. HELTE: Your Honor, the technical apparatus is not quite in order; I couldn't hear anything.

THE PRESIDENT: Try another earphone, Dr. Helte. Do you understand all right, Dr. Helte? I will repeat just as much as the Tribunal has made an order with reference to the cross examination of the three affiants whose affidavits were offered by the Prosecution, and where the affiants have not been cross examined, Your associates will advise you of it or, in any event, in the next day or so you will have the transcript. I just call it to your attention. Dr. Helte, if you have any further difficulty with the sound system, please indicate to me.

You may go ahead.

WILHELM MANN - Resumed

DIRECT EXAMINATION (Continued)

BY MR. BERNDT: (Attorney for the Defendant Mann)

Your Honor, I think I am right if I say that the Tribunal has now also received Document Book No. II in the English.

THE PRESIDENT: That is correct.

DR. BERNDT: In that case, may I ask permission to submit that volume now?

THE PRESIDENT: Very well.

DR. BERNDT: The volume starts with Document 149, and I will give it Exhibit No. 31. This contains Herr Mann's speech at the occasion of the olympic festival in September, 1936.

The next document is Document 288, and it is Prosecution Exhibit 57 which I am putting in in my document book, and I ask that it be given Exhibit No. 32.

This document is followed by Mann Document No. 287, which is Prosecution Exhibit 531, and I am submitting it as Exhibit 33.

THE PRESIDENT: I am sorry -- our next document in your book is 289.

DR. BRANDT: Oh, yes; that is possible, Your Honor; we also have Document 289 there, which is Exhibit 401 of the Prosecution. Well, in that case we have to give this document Exhibit No. 33, while the next Document, 287, will become Exhibit 34; that is Exhibit No. 33, while the next Document, 287, will become Exhibit 34; that is Exhibit 531 of the Prosecution.

That is followed by a document from 290 from the first trial; the first trial, and I ask that that be accepted as Exhibit 35.

It is followed by the affidavit of Otto ruppenleiter Schwarz, Hann Document 42, and should get Exhibit No. 36.

The next document is Document 122, an affidavit of Wilhelm Kuhle, which will become Exhibit 37.

It is followed by Document 153, which is an affidavit of Otto Glaeser and will have Exhibit No. 38.

Then follows Document 80, which will have Exhibit No. 39. I can point out in connection with this document that the letter in this document is dated 26 September 1934.

Document Hann 646 will become Exhibit 40, and it states the individual contributions made by Hann and is listed by his secretary.

Document 44 will become Exhibit 41. It is an affidavit of Bahnmann, saying that in the case of employees no importance was attached to the question of membership in the Nazi Party.

The next document is 119 and will become Exhibit 42. There it is certified that the decision taken by Herr Hann always rested only on business reasons.

The next document is Document 9 and it will become Exhibit 43. It is an affidavit by one Dr. Krebs who certifies that Mann was watched by a man named Fink, who was a close collaborator of the Gestapo.

The next document will be 133 and will be Exhibit No. 44. There it is stated that Mann never was active Nazi and always helped colleagues, male or female, out of his own means whenever they were in need.

The next document will be 131 and will have Exhibit No. 45. It is an affidavit by one Zahn who also states that Mann never exerted any pressure on him or other people to join the Nazi Party. This document is followed by Document Mann 137, which will become Exhibit 46. It is an affidavit by Mr. Mann's driver who worked for him ever since 1933 until 1945 and who states that three times he asked Mann for advice in the questions of whether he should join the Nazi Party or not, and that Mann dissuaded him from joining.

The next document will be 296 and will become Exhibit 47. It contains an affidavit by Dr. Grobel who also certifies that Mann never took an active part in politics.

The next document, Document 298, will have Exhibit No. 48. It contains an affidavit by Alfred Heuser. It describes cases where Mr. Mann helped Jews.

It is followed by Document 130 which will become Exhibit 49, and I point out in this connection that this document refers to 1934.

The next document is 112, which will become Exhibit 50. It is an affidavit by Dr. Grobel and it explains the relations between Bayer and the individual foreign organizations. The next document is Document 110 and will become Exhibit 51. It is followed by Document 172, which will become Exhibit 52. This document is an affidavit by Dr. Krebs who never was a Party member and who states here that in all negotiations which Dr. Krebs had to conduct with members of the Nazi Party a completely free hand was left to him by Mr. Mann.

The next document is 117 and it will become Exhibit 53. It is an affidavit by Patt, who also explains how Mann helped people, and I may

particularly point out that in 1946 Patt was again elected as a member of the Plant Council of Bayer.

The next document is Document No. 70 which will become Exhibit 54, an affidavit by Director Weignadt.

The next document is No. 52 and it will become Exhibit 55. That is an affidavit by Abeck.

The next document is Document 53, and it will become Exhibit 56, which is an affidavit by Erika Berg, Mann's private secretary, who said that in the defendant Mann's office the Heil Hitler! salute was not customary and that she didn't have any knowledge that Mann ever made any large personal contribution for the Nazi Party.

This document is followed by Document 55, which will become Exhibit 57, and it is an affidavit by Flachs, who testifies with regard to speeches made by Mann, and states that in his speeches Mann never made any Nazi propaganda.

This document is followed by Document 285 which will become Exhibit 58, an affidavit by Otti Schumann, who also testifies with regard to the political attitude of Mann.

The next document is Document 60, which will receive Exhibit No. 59, where it is stated that one could speak quite openly to Mann, even if one attacked quite unambiguously the Nazi regime.

The next document is Mann 61 and it will be Exhibit 60. It is an affidavit by Dr. Kotthoff, the then agent of Bayer in London. In this affidavit Dr. Kotthoff states that Mann refused financial aid whenever Party agencies or other German agencies approached Dr. Kotthoff in London for financial aid.

Document 62 will become Exhibit 61, and it is an affidavit by Kriolke.

The next document is 169, which will become Exhibit, 62. It is again the affidavit by Lenguth, where it is stated that a Jewish director, Dr. Peiser, was held in his position by Mr. Mann as long as it was no longer possible at all, he was indemnified in a correct manner.

The next document is 103, which will become Exhibit 63, an

1 April-4-JP-16-3-Schwab (Int. Treidell)
Court VI Case VI

affidavit by Langhammer. It is followed by Document 105, which will become Exhibit 64, an affidavit by Litzinger.

The next one is Document 114, and I ask that it be given Exhibit No. 65. It is an affidavit by Mayer-Bode, the son-in-law of the last well-known democratic Lord Mayor of this town before 1933, Dr. Lurke, who was persecuted by the Nazis and was helped by Mann. Important in this document is that Mann gave a radio to this man, and when he gave it to him he turned on the English radio.

Document 65 will become Exhibit 66. It is an affidavit of the Italian industrialist Nisto, of Milan.

Document 118 will become Exhibit No. 67. Document 66 will become Exhibit No. 68. It is an affidavit by a certain Hottar.

Document Mann No. 94 will become Exhibit 69; and Document No 5 will become Exhibit 70.

Document 168 I ask should be given Exhibit No. 71. It is an affidavit by Dr. Schramm, the director of the legal department of the Sales Combine Bayer, who knew Mr. Mann for a long time and who states in his affidavit that the later enforced policy of the Nazi Party, particularly the proceedings against the Jews, pushed Mann into a stronger and stronger inner opposition to the Nazi Party.

Document 72 will have Exhibit No. 72. It is an affidavit by Wicchen, where it is interesting to note that during the first campaign when an ammunition train was blown up near some village in Holland and where Dutchmen got into great danger, that Mann risked his own life and jumped in the middle of it, started the locomotive that was still working and drove the exploding cars away in such a way that further danger for the Dutchmen was averted.

Document 167 will become Exhibit 73. It confirms Mr. Mann's statement that in his office there were eight employees and that only one of them was a Nazi Party member.

Document 46 will become Exhibit 74, an affidavit by Buhlmann who,

in 1938 was persecuted and who certifies that only the personal intervention of Mr. Mann made it possible that the proceedings against him were quashed and that he quit with only a reprimand from the Gestapo.

Document 47 will become Exhibit 75. It is an affidavit by a pharmacist Roskath, who states that he had been persecuted by the Gestapo and was kept in prison by them for three months, that then Mann intervened and managed to get the proceedings quashed.

Document 48 will become Exhibit 76, an affidavit by one Rueber who, through functionaries of the Party, was to be forced to join the Nazi Party, and he states that this pressure was eliminated by Mr. Mann and that therefore he could remain free.

Document 49 will become Exhibit 77. It is also a man who was persecuted by the Gestapo, arrested, and brought to the concentration camp Sachsenhausen. During this period he was secretly supported by financial aid, and he heard later that these sums came from Mann who, after this man was released, wanted to rehire him. However, he didn't succeed because the Gestapo opposed this idea.

The next document is 286 and it will become Exhibit No. 78. It is an excerpt from the Newspaper "Schwarzes Korps," series 36, of 1937. From a later document it can be seen that the "Schwarzes Korps" had published a series of German firms and names of Jewish agents abroad and that in these articles these firms were attacked.

Document 292 will become Exhibit 79. It shows how the entire German industry was forced by the Reich Ministry of Finance to report about the non-Aryan agents they still employed abroad. They had to make these statements because it was the intention of the higher agencies to exert a pressure on the firms to fire these agents.

109 will become Exhibit 80. It is an affidavit of Dr. Grobel who states that the foreign organization of the Party had asked that Mr. Mann release the employees and directors of Jewish origin abroad, and that Mann opposed this as long as possible, until he finally received the direct order to carry out this directive. At the same time this document also mentions that a certain Mr. Scherer, a Jewish agent of Bayer's in Rumania, had received an indemnity of 160,000 Reichsmark. This was paid in 1938, when 160,000 Reichsmark was still quite a bit of money.

Document 305 will have exhibit No. 81. It is a decree by the Foreign Trading Agency where the I.G. Leverkusen is informed that the Jew, Dr. Samter, was still working for the firm in Egypt, and the I.G. is herein reproached with the fact that a new constellation of its representatives in Egypt had even camouflaged the employment of the Jew, Gruen.

Documents 145 through 148 refer to the Abrahamson case. All these documents will receive Exhibit Nos. 82 through 85. In detail the Abrahamson case is explained, which I don't have to explain any further here. I only want to point out that these reports, which has Document No. 145, dated 19 April, 1937, while the directive of the Labor Office is of the 16th of January, 1937.

That brings us to Document 302, which will receive Exhibit No. 86. A while ago I referred to the Scherer case in Bucharest, and here we have the agreement and the settlement of indemnity between Mr. Scherer and the Bayer Company in great detail.

The next document is 303, which will receive Exhibit No. 87, a letter dated August 1936 where Mr. Mann writes to an employee he has to fire, and expresses himself in the following terms: "Unfortunately we have to terminate..." And in the annex of this document the amounts are mentioned which are given to this mann as transitional indemnity in September, 1936, which amounts to 40,000 marks.

Document 83, will have exhibit No. 88. It is an affidavit of a Jew who

is now in Palestine whose name is Leo Bloch and who describes Mann's attitude towards him at that time.

The next document is Document 175 and it will become Exhibit 89. It is an affidavit of Mr. Schomberg, who states the way in which Jewish representatives in Turkey, Syria, Palestine and Egypt were treated when they were released from employment.

Document 86 will become Exhibit 90. It is an affidavit by Dr. Heiserich married to a half-Jewess, and he also certifies to Mr. Mann with regard to his attitude towards him and his wife.

The next document is 89, and will become Exhibit 91. It is an affidavit by a cousin of Mann's, a certain Victor Mann, who is married to a Jewess.

Document 177 will become Exhibit 92. It is an affidavit of a Dr. Ostersetzer, a so-called first-grade Mischling (that is, a person of mixed Jewish and German blood) and who certifies here that Mr. Mann acted in a very decent way to him.

The next document is Document 96 and will become Exhibit 93. It is an affidavit by one Dr. Schnell, who also was of the same racial category and who had disadvantages as a so-called first-grade Mischling, and who states here how Mann helped him, particularly by the fact that Mr. Mann had approached the defendant, Prof. Krauch, for help and Prof. Krauch actually gave that help.

The next document is 99 and will become Exhibit 94, an affidavit of one Frau Zwergel who had been married to a Jew and who certifies to Mr. Mann that he helped by obtaining the transfer of this man from Germany to Holland and even intervened in favor of having a part of his pension paid to him in Holland.

The next document is 181 and will become Exhibit 95. It shows how cases were handled in South America where people were involved who were in disfa-

vor with the foreign organization on account of their Jewish descent. It shows what Mann did in these particular cases.

The next document is 178 and will become Exhibit 96. It is an affidavit of one Braun who also states what the individual persons received by way of indemnity. He mentions three cases where indemnities were paid of 160,000; 152,000; and 73,000 marks.

This document is followed by Document 183, which will receive Exhibit No. 97. This is a copy from a Lueneburg district newspaper dated 18 July 1947, and headed "Facts". When I read this excerpt for the first time it only became quite clear to me how time erases everything from our memory and how often we don't even remember how certain facts which have occurred before 1945 actually came about, and how quite a number of things that happened cannot be brought back to events that were occurring inside Germany only.

The document that follows is Document 185 and it will receive Exhibit 98. This again is followed by 184 which will become Exhibit No. 99. These documents describe a visit which foreigners made at the Bayer plant at Elberfeld in August, 1939.

The following document is 127 and will become Exhibit No. 100. It is a letter from London to Mr. Mann, written by the Australian Minister of Health, dated 14 July, 1939. In this letter this minister thanks Mr. Mann for his kind reception at the Leverkusen plant.

The next document is 186 and will become Exhibit 101. It is an affidavit by Walter Scharnhorst concerning sub-contracts of 20 September, 1938, and I want to show that these sub-contracts had only a very, very small volume.

The next document, 186, is handling the war supply contracts and dealing with them, and it will be Exhibit No. 102.

The Document 150 will become Exhibit 103, It refers to a graphic chart,

and I hope that this graphic column is contained also in the English book because I haven't been able to look at it yet, Your Honor. Maybe the Tribunal would be kind enough to glance through the documents and see whether on page 133 there is a copy attached like the one I have here. It seems to me there is. May I ask you in that case, Your Honor, to look at this chart for just one minute? The columns here describe the turnover from 1937 up to 1944, and the part taken by the armed forces is entered at the bottom of the column, and you will see there that in 1937 this part -- that is one per cent -- was absolutely negligible. In 1938 it becomes six per cent; in 1939, ten per cent. And then of course during the war and as the war increased in intensity the percentage is on the increase constantly.

That brings us to Document 151, which will become Exhibit 104. The turnover of production for the German civilian population is listed in one line and on the second line below the supplies to the armed forces. It is about the same as the column chart, but through this line chart the turnovers and supplies are more clearly shown to us.

Document 672 will become Exhibit 105 and I have no comment to make. Neither have I to comment on Document 674, which will become Exhibit 106.

The next document is 670 and will become Exhibit 107.

It is followed by Document 613, which will become Exhibit 108. Here, Heinrich Loew certifies the kind of personnel policy which Mr. Mann handled, and I may here point out the last point of the affidavit, namely that foreign workers were not employed in the Bayer sales Combino.

The next document is 645 and will become Exhibit 109. It is an affidavit by Paul Bahnemann, who in general speaks about the dismissed of Jewish employees from employment.

This document is followed -- that is, the document attached to it is a graphic survey covering the total of 55 Jewish employees in whose cases the kind of employment, the age, the date of joining the firm, and the date of

leaving are exactly mentioned; so are also the indemnities. And you know, Your Honors, that I have pointed to these statistics in my opening statement. What I said at that time and what I said I would prove at that time is, I think, proved by this document.

The next document is Mann 695 and will become Exhibit 110. It is a letter of Dr. Hermann Engel, who states that an indemnity of 2,400 pounds sterling against the strict orders of the Nazis was paid to him on the initiative of Mann in order to help him to build up a new existence in Cairo.

The next document is 688 and will become Exhibit 111. It is an affidavit by a Jew, Trior, who emigrated in 1935 and who Mann assisted in his emigration by recommending him to a friend abroad who gave this man Trior the first basis for a new existence.

The next document is 552, and will become Exhibit 112. It is an affidavit by Dr. Schaller, which I do not have to comment upon either. The one but last document in this book is Document 667, and it will become Exhibit 113. It is followed by the last Document 690, which will become Exhibit 114.

Your Honor, I would like to point out here that it is true in this last document that on the 13th of March, 1939, an English Trade Minister was in the I.G. Farben Plant at Launa, for a visit, something which I think you would not do if you knew that you were only a few months before the outbreak of a war.

I think, Your Honor, that concludes my Document Book 2. I received the exhibits so I have to ask you about Count 1-E of the Indictment, namely the charge of espionage. You know that this charge is raised against you in a pretty tangible way, - against you or the Sales Combine directed by you, and before we deal with details, I would like to ask you in quite a general way, did you at any time take an active or abetting part in espionage in whatever respect that might be?

A No, I never even had the slightest connection with espionage either personally, or in my official capacity. I never initiated it, nor ordered it nor tolerated any such activities.

Q Now in this respect, what about the employees under your orders?

A If one of our employees should have had some connection with espionage, then that would have been quite contrary to the intentions of the firm, and if we had heard about it, we would have fired the man. Of course, considering the fact that we had 1200 employees abroad, I cannot vouch for knowledge of whether one or the other of my employees, outside of his official functions, might have at some time or other, exercised some such activity. I can only state and repeat that if we had heard about it, then of course we would not have tolerated it, but we would have immediately stopped the matter.

Q But did any cases come to your knowledge where an employee

was involved in espionage?

A During all of the years of my activity as manager at Bayer, not even one case came to my knowledge where an employee with the knowledge or without the knowledge of the firm, was active in that direction.

Q But you just said that during all of the years of your activity for "Bayer"; now will you tell me since when did you work for Bayer?

A From 1920 until 1945.

Q That is 25 years?

A Yes, 25 years.

Q In the Prosecution's files the name Haarmeyer is mentioned at one time. Can you tell me anything about that case?

A I did not know that name. He was an employee of our agency in Buenos Aires. Through your services, counsel, however we have been able to ascertain, on account of the fact that you contacted the person involved himself, that this was not a proven charge, but only a suspicion. Haarmeyer was summoned by the Argentine Government to leave the country and to return to Germany, and here he received the news that on account of a cross check, the Argentine Government had again issued an immigration visa to him. However, in the meantime, at the beginning of 1944, this suspicion against Haarmeyer was reported also to the Chief of our agency at Buenos Aires, and on the strength of a document which you will submit, it is proven that the business management of the Chemicá, - that is the Bayer representative in Buenos Aires, - on the 7th of February, 1944, suspended Haarmeyer from service, and his salary was blocked, until he could quite clearly prove his situation toward the firm, and toward the Argentine police.

That confirms the statement I made here about our policy that if we heard something about such activities we immediately interfered. In this particular case we could not interfere because in 1944 we no longer had a connection, but with great satisfaction I noticed that

even without contacting us, our representative in Buenos Aires took the proper steps.

Q The director of your Argentine representative firm was here, Hohmann. Now you know that the Prosecution have charged that this Hohmann had been an espionage agent. Did you know anything about that?

A I did not know about that, and I could not even know about it, because this information is absolutely unfounded. We never heard anything about it, and in view of Mr. Hohmann personally, that is completely out of the question. The investigations now started have proven that no proof could be found against him and that he is completely cleared. It is shown that he is recognized by the Argentine Government as a German and has permission to stay in Argentina to play a leading part in an Argentine enterprise, but I may supplement that by a remark. In South America, not only during but also before the war, it was a very favorite activity to discredit competitors by having them suspected as spies. That was a well-known system down there, particularly if the person involved was a foreigner.

Q You told us today already about the liaison men. Now the Prosecution charges that these I. G. liaison men were spies. What do you think about that?

A I think that in view of the descriptions I have given this morning about the I.G. liaison men, I have already cleared that for the information these gentlemen afforded us in line of duty, never contained the slightest matter which could have the nature of an information which the term "spy" could be applied to.

Q You know that it is charged by the Prosecution that the I.G. had been ready to accept certain people as commercial men in order to camouflage them by an employment with the I.G. and give them the possibility to work abroad as spies.

A It is correct that we were approached during the war by such requests at repeated instances; during the war, I myself was

approached too and in this very difficult situation, in complete agreement with my colleagues of the management, I always decided to reject such wishes.

* As to myself personally, I do not remember one case where the Bayer Sales Combine accepted and fulfilled such a request. On the other hand, I could not quite avoid the wishes expressed by the Counter-Intelligence Department of the OKW. The Cologne Agency, the town near which Leverkusen was located, again and again attempted in a very ruthless way to get information from us, of economic importance, in order to send information to the Superior agency in Berlin.

This man, Kettniss, used his official capacity and capitalized on it in such a way that he threatened me and my co-directors, for instance, that he would not issue any visas for travel if we would not take it upon ourselves to report on the result of our travels to him too.

On account of our quite clearly rejecting attitude in Leverkusen towards these desires, it was possible for us to dissuade Mr. Kettniss of this plan. However, I took it upon myself to send Mr. Kettniss a few excerpts from economic reports from our representatives to us. In other words, some material which was received by us automatically in our ordinary mail. I screened the documents myself, and I can say that there was not any more in those reports than one would find in any economic newspaper, and two or three times, my secretary handed these reports to him. Those were reports which were laying around in the office quite openly, and were not at all confidential, had no military importance or information, and which in the last analysis were only made in order to get rid of a very boresome fellow.

Q You have made an affidavit with regard to this case which the Prosecution has submitted.

A Yes, that is my own statement. The Prosecution did not bring anything new into that; that is my own statement.

Q I only wanted to state that it is not the Prosecution who have raised this Kettniss case, but that it is your own statement?

A Yes, I was asked and I answered in accordance with the truth.

Q During our talks, I once put to you an Exhibit 806, which is contained in Document Book 44, on the English page 98. This is with regard to the Hohmann case. Do you have anything to add to that question on the strength of this exhibit?

A Well, that is something I could have told you right away a while ago. This is an additional charge, namely that he corresponded with other countries of South America and apparently this correspondence was watched. It is true that they did not find anything in the letters, but from the very fact that he did correspond with other countries, they think they are justified already in drawing the conclusion that he was a spy. That is a complete error. Hohmann had instructions from us that during the war he should try to exchange his supplies with other countries, and in this way, secure a mutual assistance within these South American countries by one country helping another, if for instance it had certain supplies in some medicine while the other country had run out of it, and this correspondence, which had perhaps a certain volume, apparently is the subject of these observations.

Q You mentioned the Haarmeyer case. It is dealt with in Prosecution's Exhibit 914. I do not think that you had anything else to add to that question, do you?

Now, however, there is another charge that a Bayer employee by the name of Schob in Columbia, who had been blacklisted there. Do you know anything about that?

A No, the name is not at all familiar to me. It might be that he was a provincial traveling agent of our representative in Columbia. We were never able to find out anything about it.

Q And the last question --

A Excuse me. I have something I want to supplement. He is not at all listed as a Bayer employee, and therefore he apparently was not a member of our organization.

Q Very well. Now the last question with regard to the spy charge. You had Exhibit 929, in Document Book 49, English page 148, and 931 on the English page 153. Do you still have them there in the witness box?

A Yes, I have.

Q How could you give us some details about that question?

A This refers to two decisions covering the financial aid demanded from the OKW with regard to employing foreigners in the foreign organization of the IG. In one decision, - and I am quoting, - it says: "Mann and other people state with regard to that matter, that the importance of this question is doubtless for the I.G." In other words, that is a hot iron, and I advised that it should not be touched. I said already that in the Bayer firm we took no steps in this connection, and we also tried, as the documents show, to refuse these requests of the OKW by using the local circumstances as an excuse, but as now the whole business management of the I.G. had been officially approached by the question, we decided to settle it by a centralized handling and by a discussion and to find some kind of a solution for it, and all I can say, - and I can base this on the statements of the witness, Oberhof, that through our procedure, which was not connected with the Sales Combine Bayer, we managed not to be dragged into the matter.

Q Well, that will do. That brings me to Prosecution's Count 1-A. There, under No. 67 of the Indictment, it is said that as the years went by, the dictatorship in the Third Reich became more and

more brutal and tyrannic. Did you find that out too?

A I do not think that I am the only one. I think the whole German people found that out.

Q What is your conclusion?

A I would say if in my testimony I pointed out that occasionally it was necessary to make concessions to the Nazi Party, that after all, that was just a consequence of this tyranny and dictatorship which became more and more brutal. You just could not oppose it and say, "I am not going to do that", and you would not have helped matters by making such a statement, because only the persons would have changed, and not the actions.

I think the question involves rather the degree of the concession and the volume of the concession and all I can say there is that I have no knowledge of even one single case of which the conclusion could be drawn that I, as a responsible manager of the Sales Combine, or that my co-directors knowingly and with the aim of supporting the Party goals, had taken an active part.

If there was at all a connection with the business affairs and such connections of course would often arise, then our decisions were based only and alone on the consideration of economic problems.

Q You know that the I.G. Farben was further charged with having taken steps in order to camouflage its assets abroad, and to hide them. This charge is not made directly against Bayer, but I still deem it best that you make a statement with regard to the question.

A May I remind the Tribunal of the fact that the witness, Dr. Kueppers was questioned here and that he made a very detailed testimony on the question. Camouflaging, within the scope of the Bayer Sales Combine, was never carried out. I have knowledge only of one single case of the period before the war, when we had changed the legal status of the representative in one country. That was the case of a Haverro Trading Company in British India, which has been

mentioned by Dr. Kueppers. There, as is proved, we made this change in the status of our agency only for taxation reasons, and I have no knowledge of any other reasons, either for this case or for any other cases which might exist, but which I do not remember.

Q Maybe—

A Can I make a remark here which seems to be important?

Q Go ahead.

A In itself there is already a contradiction in this charge. Of course it is clear that we sold our Bayer medical supplies under the Bayer Cross, and as a German product. I don't know what the camouflage could have consisted of. Of course our clients knew that, our customers knew that our representative, whatever his name was, and whatever his trade name, juridically speaking, it was a representative of the German Firm Bayer, and that was never doubted. There can be no question of camouflage.

Q Passing now to 77 of the Indictment, on page 60, it is mentioned that leading personalities of the I.G. received information from German Government officials on the strength of which the defendant knew that Poland would be invaded in September 1939. Were you also one of those "knowing" defendants?

A I would like to state quite decisively that nothing could be noticed of an I.G. Farben mobilization in my field of work; also in the I.G. Farben meetings of the Vorstand and of the Commercial Committee, - these are the two boards of which a member - no decision was made which could have hinted in any field to such a mobilization of the I.G.

Q Well that brings me to another point of the indictment, - the so-called Plan for Reorganization. Did you contribute to that plan for reorganization?

A Yes, there is a Prosecution exhibit, an excerpt from minutes of the Commercial Committee meeting, and with regard to that exhibit, I would like to state by supplementing the statements by my

Commercial colleagues, Haefliger and Ilgner, that that assignment, by the Reich Minister of Economics, of course had to be built with by us in one way or the other.

In the individual chapters of this draft, the viewpoints are listed, but there must not be considered the expression of a policy of conquest on our part. But the draft was elaborated in a sense, which can best be understood by granting in advance that the basic idea was that of a future United States of Europe; it is quite clear to me that in the meantime it has been decided that the leadership in this question will be in the hands of another country, but in this direction there will be something, and that there has to be something in that direction, that is a matter of general agreement, and I do not consider this plan made at that time as the expression of a policy of conquest but rather as the expression of a preparation of European Economic planning, the details of which in due time, would of course have to be settled by inter-governmental agencies of course.

Q That brings me to the next point which is mentioned in the Indictment under 2 (f), and that is Russia. When you listed the various offices you held, you also spoke of a commercial eastern committee. What about this eastern committee?

A In November 1941, there was a discussion within the circle of the members of the Vorstand concerning the situation in the occupied Russian territories, and more particularly, concerning the tendencies of development which became apparent during that period concerning our possibilities of export to the East. In view of the Organizational conditions in these eastern territories which were completely different from ours, I have to remind you that there it was a question of state economy. In view of this situation, the opinion prevailed that in the case of a commercial covering of these eastern territories in a near or distant future by the I.G. Farben, that then the I.G. should for the first time deviate from its up to then prevailing principle of decentralization and should set up a joint sales combine for the East. In order to prepare such an I.G. sales organization for the eastern territories, the commercial eastern committee was set up. It is of great interest to read the minutes now and to see that we, ourselves, at that time again and again made it a point to have the autonomy of the sales combines stressed. That can be read in a decision of 1941. This commercial eastern committee was presided over by me and met two or three times. We heard reports there made by the business manager, de Haas, who was the liaison man with the Reich government agencies, particularly with the ministry for the eastern occupied territories. On account of these reports of de Haas' we then reached a decision that for the time being we should take no measures in the commercial field in the eastern territories but that we should in the former territories of Estonia, Latvia and Lithuania, which now are part of the Soviet Union, set up a sales agency of the I.G. which was so-called I.G. Ostland-Kontor, GmBH in Riga. The tasks of this organization was to supply these areas with I.G. products.

Q You were speaking of the reports of de Haas and that you channeled this report to the members of your Vorstand--your colleagues. Now in this forwarding of the reports, the prosecution sees something which leads to suspect you.

A Well, all I can say with regard to that is that after I read this report of de Haas, I was of the opinion that it was necessary to inform my colleagues about this report. There is no personal view expressed by the I.G. in the report with the exception that there is a statement that the situation is not yet transparent enough and therefore no decisions can as yet be taken. It was the task of the eastern committee to use its connections with the ministries in order to get information of the situation for commercial reasons.

Q Now, were actually business transactions carried out?

A Well, the so-called I.G. Ostland GmbH at Riga did have a turnover of quite considerable volume. They sold to firms in those areas which had been quickly reorganized in the sense of private enterprise; however, for the real Russian territories--the old Russian territories no commercial transactions could be carried out because a decision by the German Government Agencies concerning the form and the ways in which future commercial transactions could be carried out in those territories had not as yet been made.

Q Now what did this company sell?

A Dye stuffs, chemicals, photographic material, and practically all the products of the I.G. Farben except pharmaceuticals because there existed a Reich organization for that purpose and therefore these products went through other channels.

Q Did this company also cover merchandise which was in the east and brought into Germany from the east?

A No, no merchandise from the East was brought into the Reich. It was a pure sales company for products of the I.G. to these territories.

Q Did you otherwise have any connection with any company domiciled in the East?

A No.

Q Wasn't there a certain connection with one institute which was set up by the Behring Works?

A In the eastern territories, a certain number of serum institutes were taken over by the Wehrmacht as they advanced, and employees of the Behring Works were drafted by the armed forces with the assignment to reactivate those institutes in order to produce sera and vaccines there in the interest of supplying the civilian population and partly also of the armed forces units stationed in those areas. As a special case, I would like to mention the Lemberg Institute which will be mentioned in another connection by you, I think.

Q Very well. Now in conclusion of that point, another question: on account of your collaboration, were any assets in the occupied eastern territories purchased for the benefit of the I.G. or the Behring Works.

A No.

Q Your Honor, then I conclude this questioning and I ask to be permitted to submit Document Book III to this Tribunal. Book III begins with Document Mann 658 which will become Exhibit 115. Herr Hammacher gives a survey on the contributions in this document.

The next document is 301 which will become Exhibit 116. It also deals with contributions. It is followed by 689 which will be 117. It's part of the testimony of Geheimrat Kastl who was questioned here and who talked about the reasons for the contributions.

Document 190 will become Exhibit 118. It deals with mobilization questions.

The next document is Document 188 which will become Exhibit 119. It deals with the various war supply contracts and it shows that Bayer concluded only one war supply contract, the value of which was 600,000 Reichsmarks.

Document 293 will become Exhibit 120. It is concluded to prove that Bayer had no evacuation points.

Document 700 is Exhibit 121 and it shows that Bayer produced pharmaceuticals, sera and plant protection medicals, and shows how the number of products increased from 1930 until 1943. I intend to prove that Bayer had no interest whatsoever in the war and couldn't even have an interest in the war.

The next document is 582 and will become Exhibit 122. It shows the world turnovers of the main products "Pharmo" in 1938. In this total products, we come to a general turnover of 108,684,596 Reichsmarks.

That is followed by Document 529. It will become Exhibit 123. In this affidavit, the world turnovers are specified with regard to the individual countries involved. Concerning pharmaceuticals, sera, and plant protections; it is of interest to note that in Germany the turnover is about 43 or 44 million, while the turnover abroad is 90 million. It has attached to it a map that shows that the turnover was split up into 75 countries.

The next document is 134 and it will become Exhibit 124. It shows the turnover of pharmaceutical specialities. I want to prove particularly that Bayer did not hold a monopoly because if you look at the second column, you will see how comparatively small the part taken by Bayer in the total turnover in the field of pharmaceuticals was.

The next document is 282 and will become Exhibit 125. It's an affidavit by Zahn also with regard to the question of the monopoly.

The next one is 520 and will become Exhibit 126. It shows the turnover of the I.G. from 1933 until 1943 the next column shows the turnover of Bayer. In the last column, you can see these turnovers, in percentages of the total turnover of the I.G. Farben.

The next document is 544. It will become Exhibit 127. It shows the I.G. export in all branches.

The next document is Document 208 which will become Exhibit 128. It explains the statements by Mann with regard to the ZAV procedure.

1 Apr. 48-A-GJ-20-5-Gaylord-
Court 6 case 6

May I ask Your Honor whether the Tribunal would like to adjourn
now for 15 minutes?

THE PRESIDENT: We will take our recess now.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. BERNDT: I now turn to Mann Document No. 545 which I ask your Honors to accept as Exhibit 129. Mann Document 124 will become Exhibit 130, and Document 206 will become Exhibit 131. Document 616 will become Exhibit 132. Document 113 will become Exhibit 133. Document 546 shall be marked with Exhibit No. 134. These are again charts about turnovers that I do not have to comment on. Document 547 will become Exhibit 135. This shows that Bayer always was an export firm and the export to foreign countries amounted to seventy percent and domestic sales amounted to thirty percent. Document 56 will become Exhibit 136 and it shows that Bayer didn't belong to any cartel or syndicate. Document 642 will become Exhibit 137. Document 502 will be Exhibit 138. Document 549 will be Exhibit 139. Document 226 will be exhibit 140. Document 525 will become Exhibit 141. This is a letter that Mr. Mann mentioned. I may emphasize that this letter is dated 29 March 1933, and contains a passage Mr. Mann quoted before which says --- but I am not going to quote it because these sentences speak for themselves. Document 225 will become Exhibit 142. Document 261 will become Exhibit 143. Document 308 will become Exhibit 144. Document 296 will be given Exhibit No. 145. Document 126 will get Exhibit No. 146. Document 260 will be Exhibit 147. Document 309 will be Exhibit 148. Document 306 will be Exhibit 149. Document 675 will become Exhibit 150. Document 249, Exhibit 151. Document 617 will become Exhibit 152. Document 229 will become Exhibit 153. Document 235 will be Exhibit 154. Document 228 will be Exhibit 155. Document 619 will be Exhibit 156. Document 608 will become Exhibit 157. Document 201 will be Exhibit 158. Document 116 will be Exhibit 159. That is the affidavit of Mr. Harmeyer who corroborates the statements which the defendant made a short while ago. Document 115 will become Exhibit 160. Document 315 will become Exhibit 161. Document 671 will become Exhibit 162. Schreiber states that no trial was ever conducted against him because of espionage or any other political activity.

Document 299 will become Exhibit 163. Document 233 will be Exhibit 164. Document 618 will be Exhibit 165. Document 521 will be Exhibit 166. Document 676 will be Exhibit 167. Document 520 will be Exhibit 168. Document 138 will be Exhibit 169. This is an affidavit of Mr. De Hass. Document 310 will become Exhibit 170. Document 129 will be Exhibit 171. Document 142 will be Exhibit 172. Document 295 will be Exhibit 173. Document 615 will be Exhibit 174. Document 312 will become Exhibit 175. And this concludes document book number 3 -- the presentation of the evidence of Book 3 for Mann.

Apart from a few documents which are contained in Book 6, I have finished those parts which I consolidated in my disposition under Paragraph A. I now turn to Paragraph B, Rhone Poulenc. Your Honors are first shown under this chapter what relations Bayer maintained before 1939 towards the French chemical pharmaceutical industry and in that connection the patent legislation in France will be explained to your Honors. Then the situation of the French business in France after the armistice is described, and the intentions of the German government in regard to the French industry are set forth. The next point will be the informational talks which Mann had with German agencies about the French pharmaceutical business, and in connection therewith the three contracts, licence agreements, that were concluded in December 1940, in March 1941 and in February 1942, and at the end it is to be shown that Rhone Poulenc had certain advantages by its collaboration with Farben. May I ask your Honors permission that Books 4, 5 and 6 and the interrogation of this defendant will be conducted by my co-counsel, Dr. Tuerck.

DR. TUECK: Your Honors, I should like to begin introducing documents in connection with the Rhone Poulenc and ask your Honors to take up Book 4. When presenting these documents I shall not make any comment. The index contains a short description of the documents concerned. Particularly these are letters from those times and in the course of the examination of Mr. Mann I am going to refer to a number of these documents. The first document in Book 4 is Document 321 which will become Exhibit 176. Document 526 I offer as Exhibit 177. Document 326 will be Exhibit 178. Document 325 will become Exhibit 179. The next is Document 327 which I offer as Exhibit 180. Page 2 of the index. I offer Document 329 as Exhibit 181. I ask next that Document 333 be accepted as Exhibit 182. Document 331 to be accepted as Exhibit 183. Document 559, on page 3 of the index, I offer as Exhibit 184. Document 335 I offer as Exhibit 185. Document 627 I offer as Exhibit 186. Document 581 will be Exhibit 187. I offer your Honors Document 522 as Exhibit 188. I now turn to Page 4 of the index. I ask your Honors to accept Document 566 as Exhibit 189. Document 567 is Exhibit 190. Document 576 will be offered as Exhibit 191. Document 598 will become Exhibit 192. On page 5 of the index of Book 4 I ask your Honors to accept Document 339 as Exhibit 193. Document 341 will become Exhibit 194. Document 342 will become Exhibit 195. I ask your Honors to accept Document 343 as Exhibit 196. Document 649 will become Exhibit 197. The last document on page 5 of the index, Number 322 will be offered as Exhibit 198. I turn to page 6 of the index of Book 4. I ask the Tribunal to accept Document 345 as Exhibit 199. Document 348 will be offered as Exhibit 200. Document 337 will become Exhibit 201. I offer Document 337 as Exhibit 201. I offer Document 353 as Exhibit 202. On page 7 of the index of Document Book 4, I take the liberty of offering your Honors Document 355 as Exhibit 203. Document 359 will become Exhibit 204. Document 362 will become Exhibit 205. I offer your Honors Document 363 as Exhibit 206. And the last document on page 7 of the index is Document 364 which will become Exhibit 207.

I now turn to page 8 of the index of Book 4 where I take the liberty

of offering your Honors Document 378 as Exhibit 208. Document 648 I do not wish to offer the Tribunal. I therefore turn to Document 372. I ask your Honors to accept that as Exhibit 209. I next offer Document 628 as Exhibit 210. Document 373 will become Exhibit 211. On page 9 of the index of Document Book 4, I offer Document 627 as Exhibit 212. Next I offer Document 368 as Exhibit 213. Document 385 will become Exhibit 214. I now turn to page 10 of the index and ask Your Honors to accept Document Number 553 as Exhibit 215. Next Document 554 as Exhibit 216. Then I offer to Your Honors Document 555 as Exhibit 217. Document 379 as Exhibit 218. The last document on page 10 of the index I offer as Document 347, Exhibit 219. This concludes presentation of Documents in Book 4. May I ask the Tribunal to turn to Book 5.

In this Document Book your Honors will find on page 1 Mann Document 574 which I ask you to accept as Exhibit 220. Document 391 will become Exhibit 221. I take the liberty of offering Your Honors Document 550 as Exhibit 222. Document 392 will become Exhibit 223. I offer to Your Honors Document 393 as Exhibit 224. Document 585 will become Exhibit 225. On page 2 of the index I offer Document 668 as Exhibit 226. The next is Document 398 which will become Exhibit 227. Then Document 397 will become Exhibit 228. And Document 403 will be Exhibit 229. On page 3 of the index I take the liberty of offering Document 404 for the defendant Mann as Exhibit 230. Document 515 will become Exhibit 231. Document 515A will become Exhibit 232. I next offer Document 405 as Exhibit 233. Then Document 677 will become Exhibit 234. Document 338 will be Exhibit 235.

I now turn to Page 4 of Document Book 5. I ask your Honors to accept document 502 as exhibit 236; document 401 will become exhibit 237; document 409 will become exhibit 238.

On page 5 of the index of Book 5, I take the liberty of offering document 400 as exhibit 239; document 410 will become exhibit 240; document 563 will be exhibit 241.

I now turn to page 6 of the index of document book 5, where I take the liberty of offering document 414 as exhibit 242; document 415 will become exhibit 243; document 592 will become exhibit 244; document 593 will become exhibit 245; and, document 422 will become exhibit 246.

I ask your Honors to turn to page 7 of the index, document book 5, where I offer document 416 as exhibit 247. Next, I ask that document 424 be accepted as exhibit 248; document 568 will become exhibit 249; document 425 to be exhibit 250.

On page 8 of the index, I ask your Honors to accept document 427 as exhibit 251; document 436 will become exhibit 252; document 439 as exhibit 253; document 438 will become exhibit 254.

On page 9 of the index I take the liberty of offering to the Tribunal document 437 as exhibit 255; document 531 will become exhibit 256; and, document 530 will become exhibit 257.

On page 10 of the index of document book 5, I take the liberty of offering the Tribunal document 132 as exhibit 258; document 610 will become exhibit 259; document 432 will become exhibit 260; document 514 will become exhibit 261; and, document 443 will become exhibit 262.

On page 11 of the index, I take the liberty of offering to the Tribunal document 647 as exhibit 263; and, document 650 will become exhibit 264.

I now present, on page 12 of the index of Document Book V document 651 as exhibit 265; document 601 as exhibit 266; document 602 will become exhibit 267; and, document 683 will become exhibit 268.

On page 13 of the index of document book 5, I ask Your Honors to

accept document 539 as exhibit 269; document 661 will become exhibit 270. I now offer your Honors document 441 as exhibit 271. In the case of this document, I want to indicate to your Honors that there is a difference of opinion about the translation of this document between the Prosecution and Defense. I hope that this difference of opinion will be clarified today at the end of this session, and that I shall be able to report to your Honors tomorrow morning about the correct translation of this document.

I now offer document 442 which will become exhibit 272; document 445 will become exhibit 273; and document 446 will become exhibit 274.

On page 14 of the index of document book 5, I ask the Tribunal to accept document 551 as exhibit 275; document 383 will become exhibit 276; document 557 will become exhibit 277; document 286 will become exhibit 278; and, document 390 will become exhibit 279.

I now turn to page 15 of the index of document book 5, and I take the liberty of offering document 588 as exhibit 280; the next is document 560 as exhibit 281; document 503 will become exhibit 282; document 669 will become exhibit 283; and, document 681 will become exhibit 274.

On page 16 of the index I ask your Honors please to accept document 679 as exhibit 285; document 569 will become exhibit 286; document 570 will become exhibit 287. I offer document 603 as exhibit 288; document 680 will become exhibit 289; and, document 572 will become exhibit 290.

On page 17 of the index of document book 5, I take the liberty of offering your Honors document 685 as exhibit 291; document 678 as exhibit 292; document 584 will become exhibit 293; document 556 will become exhibit 294; document 287 will become exhibit 295; and, document 591 will become exhibit 296.

On page 18 of the index of document book 5, I ask your Honors to please accept document number 594 as exhibit 297; document 596 will become exhibit 298; and, document 377 will become exhibit 299.

On page 19 of the index, document book 5, I take the liberty of offering your Honors document 406 as exhibit 300; document 509 will become

exhibit 301; document 516 will become exhibit 302; and, document 419 will become exhibit 303.

On the last page of the index, page 20 of the document book 5, I ask you Honors to accept document 523 as exhibit 304; and, document 524 as exhibit 305.

THE PRESIDENT: May I say to you, counsel, that if all the documents that had been introduced in evidence had been offered with the speed with which you have offered yours here this afternoon, it would not now be necessary for us to come so early in the morning.

DR. TUERCK: I now ask the Tribunal to take up Document Book 6, since that contains a few remaining documents about the case Rhone-Roulenc. Please turn to page 5 of the index of document book 6. I take the liberty of offering the Tribunal document 657 as exhibit 306.

On page 5 of the index, of document book 6, I ask the Tribunal to accept document 367 as exhibit 307.

THE PRESIDENT: What is the number of the document, please?

DR. TUERCK: 367. This document is erroneously numbered 517 in the English document book. May I ask your Honor what number the first document on page 6 on the English document book has?

THE PRESIDENT: That is 557.

DR. TUERCK: Mr. President, that is a mistake. That document bears number 387. It is the minutes of the discussion between the Rhone-Poulenc, Specia, and Bayer, which took place on the 28th to the 29th of April, 1941, in Paris.

THE PRESIDENT: We have corrected our books.

DR. TUERCK: Thank you very much.

THE PRESIDENT: And that has exhibit number 307 now?

DR. TUERCK: Yes, 307 Mr. President.

I now ask Your Honors to accept Document 17 as Exhibit 308; Document 16 will become Exhibit 309. This concludes the presentation of documents in the case Rhone Poulenc in Document Book VI.

Mr. President, I should now like to begin the examination of Mr. Mann about the Rhone Poulenc case.

Q Mr. Mann, what was the situation of the pharma-Bayer export business; exports to France, and particularly the situation about the period of time before the war.

A In my testimony today I have already taken or given reference to the significance of the export situation in the Bayer business. Contrary to the generally favorable export situation, we had encountered great difficulties in France. We endeavored again and again to expand our business in France by trying to introduce our new inventions in France as we did in all other parts of the world without any difficulties. The reason for the difficulties that arose in the French Sales Market were of a different nature. First of all, the fact that as late as 1927 because of a contract, a commercial treaty concluded between France and Germany, the import of German goods to France was officially permitted for the first time. The time after the first World War until 1927, we could not use in France freely; we could not conduct our normal business there and reconstruct our business in France. Next to that, we had great difficulties in France because a number of our trade marks on the basis of the Versailles Treaty had reverted to the so-called Domaine Public, common property, and beyond that there were certain restrictions against the import of pharmaceutical products, but, for the import of German goods to France, as a whole these were of an administrative and customs nature. These restrictions the

French government had issued and they discriminated against German products exclusively. Added to that was that there was a very peculiar situation in the patent laws of France. The patent production was not at all adequate, and as a result, German inventions could be imitated by any French pharmaceutical concern. The French industry made use of this possibility to a large extent. As a result we saw reason to negotiate at various times with French firms, and we concluded license agreements, which, it is true, brought about conditions that had to be negotiated and conditions which did not correspond to the value of what we offered to the French.

Q What measures did you now take in order to meet the difficulties before the war that you described and to overcome them?

A During the last years before the war we always toyed with the idea of making or founding our own business in France, either in connection with another French enterprise or by drawing up a business corporation that was controlled solely by us. Shortly before the outbreak of the war, namely on the 19 of July, 1939, during a meeting of a Pharmaceutical Main Conference, we discussed these details in detail, and I may point to Mann Document 327, which has just now been received as Exhibit 180, and which document states: "After serious investigation of the over-all situation, it is found that we cannot get along unless we are producing ourselves in France by our own French enterprise. In these same Minutes it says further: With reference to Mr. Grobel's statements, I may explain that he was the chief of the French branch of Bayer, Lutter informs -- Lutter was the technical chief of the Elberfeld -- Lutter informs all parties concerned

that Regal Paris, who was our representative in France, has been commissioned to rent a suitable factory building, and that it was resolved that a new French production enterprise be founded for carrying out our production program. This resolution is to show that already before the war we concerned ourselves with founding an enterprise in France, and this can show also that on the 19th of June, 1939, a few weeks before the war broke out, we adopted a resolution of founding a production enterprise in France. In view of the alleged knowledge of war of aggression, I want to point to this fact. In this conference my co-defendants and colleagues, Hoerlein, Lautenschlaeger and myself participated.

Q What was the general situation of the pharmaceutical industry of France compared with the German pharmaceutical industry? Perhaps you can give the Tribunal a short survey.

A The number of pharmaceutical enterprises that were working scientifically was very small. By far the most part of the production was carried out by medium and small laboratories which constituted approximately three-quarters of the pharmaceutical turnover in France. In regard to the value of the production, in 1938 it was estimated at approximately 200 million Reichsmarks as compared to a German value of pharmaceutical production of 550 millions. Rhone Poulenc's share, that is the enterprise with which we conducted negotiations later, and which is the subject of the indictment because the Prosecution refers to our negotiations with Rhone Poulenc. The share of this Rhone Poulenc was not necessarily that of a firm that had a monopoly; it was the leading firm, similar to Bayer.

Q The Prosecution has submitted a document about this question, a report of the VWI.

DR. TIERCK: Your Honors, that is Prosecution Exhibit 1262, in Document Book 59. It states: Thus Rhone Poulenc gained practically a monopoly, especially in the pharmaceutical field in the French domestic market. Is that correct, that statement; what have you to say about it?

A No. That statement is incorrect; it is not based on statements from Bayer.

Q In this connection, I now want to ask you, what was the share of the French market which the firm Theraplix held and we will talk about the firm later.

A In 1938 the firm of Theraplix had a turnover of approximately 1.5 million Reichsmarks, that is less than one per cent of the French pharmaceutical products.

Q Mr. Mann, what pre-war contracts existed between I.G. Farben, Bayer and Rhone Poulenc?

A When the war broke out in 1939, there were altogether 12 contracts in existence; 11 of them were with the Rhone Poulenc, and one of them

with the firm Roussel. From these 11 contracts, 7 referred to pharmaceuticals, the basic products I mentioned this morning for the production of pharmaceutical specialties. May I remind you that this morning, I listed France as one of the countries, with which international conventions existed and they were these contracts of which Rhone Poulenc was our partner and also a partner of the English and the Swiss. In the case of the other 4 contracts, of these 11, they were licensed agreements that had been concluded before the war, dating back to 1925, between Rhone Poulenc and Farben. The reason for these licensed agreements was the inadequate protection of patents for pharmaceuticals in France; these contracts referred to four important products which I want to mention briefly: Germanin, the remedy against sleeping sickness; Atebrine, the remedy against Malaria; Abrodil, which was an X-ray indicator; and, Vitamin B-1 preparation.

Q Mr. Mann, what happened with these contracts in connection with your later negotiations with Rhone Poulenc?

A All four contracts were incorporated into the new negotiations completely.

Q. You have indicated the inadequate protection of patents in the pharmaceutical field in France. Would you please explain to the Tribunal how this patent situation in France was?

A. I want to give the reasons which gave cause to Bayer to make a petition in November, 1940, to the Reich Ministry of Justice. This petition has been submitted as Exhibit 1267 in Book 59. In most civilized countries of the world, the basic rights and privileges of the inventors in the pharmaceutical field are protected by patents. Many countries, for instance, the United States, England, and Germany, grant patents for pharmaceuticals. Experience has taught us that the granting of a patent for pharmaceuticals is suited to promote considerably the development of new remedies; the manner and size of the protection for pharmaceutical products are different in the various countries. The most extensive patent protection is granted in the United States where every new invention can be patented. It is not important whether we are concerned with the invention of a new material, a patent on a substance, or whether we are concerned with the discovery of a new property of an already existing and known material; the application patent, or, if we are concerned with the invention of a new method or process for the production of a known substance, which would be a process patent.

In France, pharmaceutical inventions could not be patented until 1944, actually. The French patent legislation was dated from 1844. In other words, it took one hundred years until it finally adapted itself to the change in circumstances.

This patent legislation for pharmaceuticals and drugs, provided that they were actually excluded from the granting of any patents. Whether the legislator at the time when he made this exception only wanted to hit at the category of the pharmaceutical substance discovery, or also the discovery of any new processes in pharmaceuticals was a dispute of the last decades. French legislature practically refused to grant patents on all production processes in pharmaceuticals so that generally

in the technical circles concerned they spoke about a non-existent patent protection for pharmaceuticals. In the case of the new law we wanted to bring about, together with the French or with the French amendment to the law of 1944, this amendment removed this confusion which in its practical consequence made a considerable change because now production processes for pharmaceuticals could also be patented.

In connection with my statement I want to direct Your Honors' attention to Document 331, which was Exhibit Mann 381, from which everything can be seen.

Q. What were the consequences of this patent situation, Mr. Mann?

A. The inventors of pharmaceutical substances and drugs, according to the old French law, were deprived during one hundred years of their basic privileges as inventors, and it is quite understandable that all inventors in all countries that grant patents--and almost all countries do so--again and again tried to take steps against this state of "unprotection," in France. Practically, this meant a destruction of the legal rights of the inventors of pharmaceutical products and the imitations which were made because of the non-existence of patent protection took considerable size. For instance, in our case which applied of course to all other importers, when we brought a new product on the market, we had to find out that it had already been imitated.

Q. What was the attitude of Rhone Poulenc about this question?

A. The firm of Rhone Poulenc was an excellent, very serious-thinking firm. We never doubted for a minute that they themselves would take steps against this unprotectedness in their legal position.

During the negotiations they stated to us repeatedly that before the war they had already taken steps to change this situation. The basic attitude of Rhone Poulenc we were able to recognize from the following:

The four licence agreements I have mentioned, which I considered a consequence of the non-existence of patent protection, were made at the suggestion of the Rhone Poulenc firm, and that firm in 1934 sent us a letter about this question in which they suggested to us that they didn't

like to make imitations and that they wanted to respect our inventors' rights. In that letter, which has been presented as Mann Exhibit 182, Mann Document 333, it says: "Even if from a commercial aspect our manner of procedure is strictly within the limits of the law, we still did observe that we nevertheless profit from the initiative to a certain extent that you developed"; and he refers to Farben in this case.

Q. The Prosecution offered Exhibit 1267 in Book 59, which is a petition of the firm of Bayer of the 4th of November, 1940, to the Reich Ministry of Justice. In this petition Bayer demands a change of French legislation. Could you tell me what was done as a result of this petition?

A. The answer of the Reich Ministry of Justice came on the 26th of March, 1941. (It is Mann Document 559, Exhibit 184.) There the Reich Ministry of Justice writes to us that before the peace treaty was concluded, negotiations were to be conducted with the French Government in this question; that in the opinion of the German Government, however, these negotiations should not be conducted with the French. The Reich Ministry of Justice adds, however, that according to the information received by the Foreign Office, German economic circles had already before the armistice gotten in contact with French competitor firms in order to take a direct influence upon the future and to eliminate competition in the future. "You can also take that course if you want to..." That is the sense of this letter.

In the documents that we found I made a handwritten addition-- "Do not touch until armistice." For what the Reich Ministry of Justice suggested to us here, namely, to conduct negotiations about eliminating competition, we did not want. In our case we were primarily concerned with the question of settling the patent question or to arrange a cooperation that we are later going to discuss.

Q. Did you subsequently discuss the patent question with Rhone Poulenc, or did you not?

A. Yes, I did. The Rhone Poulenc reported to us that they and

other French firms as well had taken the attitude of a change, that they wanted to change or, rather, to put it more correctly, to have the old French law clarified. In all subsequent months during the negotiations we had the impression that our suggestions were accepted quite readily and that all doors were open to us, as one says.

Q. Can you quote some passages from the correspondence between Bayer and Rhone Poulenc, or from any other documents from which it can be seen that the Rhone Poulenc firm demanded or wanted a patent legislation changed in France from their own initiative?

A. I can prove that Rhone Poulenc itself took the initiative and that they very actively, in the interests of their own firm, endeavored to have this change in the French legislation. I want to quote the following documents for this proof. Document 335, which will speak for itself; Document 627, which was given Exhibit No. 186. That is an explanatory note which was sent to us in the course of the negotiations with Rhone Poulenc where it stated under Article 11: "We, on our part, are gladly going to undertake these steps as we have already done in the past." That was the patent question.

Mann Document 581, Exhibit 187, dated 25 February , '41, I quote:
"The people from Rhone-Paulenc suggest that a conference take place
between their experts on patent questions and one of your people at
Leverkusen or in Paris".

Document 522, Exhibit 188, dated 12 May, '41, from a record about
a conference with Rhone-Poulenc, I quote: "Mr. Bo reported spontaneously
that he was further going to endeavor the introduction of a patent pro-
tection in the pharamaceuticals in France, and asked the undersigned
to send him a report that was formerly mentioned already to the German
delegation of the Armistice Commission."

That is an error of the man who wrote this letter. He meant the
petition to the Reich Ministry of Justice, that we had in the meantime
discussed with the Rhone-Poulenc people."

Mann Document 17, Exhibit Mann 308 concerns a conference dated 12th
and 13th November in Paris, in which Professor Hoerlein participated.
I quote: The French report th t at the moment very lively negotiations
are being conducted in France about a new patent law. Monsieur Monnet,
the representative of the Rhone-Poulenc firm, is a member of the Commis-
sion which was formed for this purpose. The French suggest common pro-
cedure in Switzerland, Spain, France and Italy."

Furthermore, Document 566, which is my Exhibit 189, an information
of the patent department, Leverkusen, dated December '41, which, on the
basis of a conversation between the French patent lawyers and the firm
of Rhone-Poulenc states, and I quote: "The French intend to make a
petition to the Ministry for Industrial Production in regard to the
bringing about of patent protection".

The last document is 567, Mann Exhibit 190, which indicates the
same attitude of the firm of Rhone-Poulenc.

Q. That is enough, Mr. Mann. I want to ask you, did the patent
law become changed?

A. Yes.

The new formulation of the French patent law of 1944 must be considered the result of the commission that I mentioned, -- that is, the work of that commission. This law is still in force today in 1949, although other laws which were promulgated during the German occupation of France, have been revoked by now. That is proof of the fact that the new law corresponded to the wishes of the French themselves, and that shows that our endeavors undertaken in 1940, were not a measure directed against the interests of the French.

Q. What conclusions were now made?

A. I wanted to add one remark here. I also want to mention that Document 16, Exhibit Mann 309, be considered in this connection, a statement of the French lawyer Jacques. He said about the validity of the law, and I quote: "These laws have been applied daily since they came into force and there is nobody who thinks of demanding their revocation. Since they confirmed the changes in actual patent legislation in France which have been demanded for many years by the interested parties, and which in their essentials safeguard the interests of the French citizens."

Q. What conclusions arose from this new patent situation in regard to the relations between Bayer, Farben and Rhone-Poulenc?

A. The effects of this granting of pharmaceutical patents had a consequence which can be understood best if I discuss the contracts concluded with Rhone-Poulenc which pre-dated these changes in legislation,-- but I want to answer your question and say clearly that they were of extreme advantage to the Rhone-Poulenc firm since the licenses that we granted to Rhone-Poulenc for new products, became their sole licenses. They were the only ones who had this license.

Q. What has the trademark "Aspirin" to do with the change of French patent legislation?

A. According to the record of the prosecution's presentation of evidence, the Prosecution stated the following: "Apart from these contractual relations, the patent situation in France was such, that pharmaceuticals could not be protected in France so that anybody in France,

including Rhone-Poulenc, was justified in using any trademark, and actually did use these trademarks, among others, the trademark, "Aspirin". This statement gives an erroneous picture. It is a combination of patent and trademark. It is wrong to say that every trademark could be used. Only those trademarks were included by the Domaine Publique Law which, according to Article 297 of the Versailles Treaty, had been confiscated by the French Government, and which had been liquidated in 1928. Only the trademark, "Aspirin" was of any significance from among our trademarks. Therefore, in the first contract it is stated about aspirin that Farben was of the opinion that the trademark "Aspirin" was Farben's sole property, and in accordance with this conception, the contract stipulated that if the trademark, "Aspirin" was going to revert back to Bayer through negotiations or the peace negotiations, or otherwise, that then Bayer entered upon the obligation right away to guarantee to Rhone-Poulenc the sole use of the name "Aspirin". In other words, it was not intended that Rhone-Poulenc should be deprived of the trademark, "Aspirin", but on the contrary, since Bayer withdrew from the aspirin business on the basis of contract No. 1, in the case that the trademark "Aspirin" was again granted to Bayer, Rhone-Poulenc would have been the sole justified firm in France to make use of the trademark "Aspirin".

DR. TIERCK: Mr. President, these statements conclude a chapter of my presentation of evidence, and I would suggest if you are in agreement, to make the recess now.

THE PRESIDENT: There are a couple of announcements need to be made anyway. Did you have something Dr. Hoffmann.

DR. HOFFMANN: (Counsel for the defendant von der Heyde): Mr. President, I ask that the defendant von der Heyde also be excused tomorrow for the preparation of his Defense.

THE PRESIDENT: The request is granted.

Mr. Sprecher, did you have something?

MR. SPECHER: Thank you, Your Presidency. Today, Your Honors, we

filed an answer to the motion on behalf of the defendant Gattineau, the last paragraph of which has rather general significance for other Defense counsel, and with your permission we would like to read these few lines here because we think it is of some importance.

THE PRESIDENT: Very well.

MR. SPRECHER: The prosecution takes this means of informing counsel for defendants who have already been cross examined that it invites their informal application to the prosecution to see any pre-trial interrogations of the defendants they represent which have been conducted by representatives of OCCWC. Where transcripts of these interrogations are available and where these interrogations pertain directly to any matters later charged in the Indictment or to matters later referred to directly in any affidavits of the defendants involved, the prosecution will make these transcripts available to the defense counsel, unless there are some special security problems involved which are beyond our control in possibly one or two cases, a problem or limitation which we do not now anticipate.

THE PRESIDENT: The Tribunal will rise until 9:00 o'clock tomorrow morning.

MILITARY TRIBUNALS

Nuernberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

FOURTH JOINT MOTION OF THE PROSECUTION
AND DEFENSE TO CORRECT THE ENGLISH TRANSCRIPT

The Prosecution and Defense herewith join in moving that the Tribunal order forthwith that the corrections indicated below be made in the official mimeographed copies of the English transcript:

Transcript Page	Line(s)	PROPOSED CORRECTION
10404	16	"You had described" should be "You described".
"	17	"you had testified" should be "you testified".
10405	17	"both industries" should be "the industries".
"	19	"That was in" should be "That was before".
10406	2	"sticking" should be "of keeping".
"	5	Delete "it had held".
"	6	"issued at" should be "issued in".
"	14	"it also contained," should be "they also contained,".
"	20	Delete "explained the intentions and".
"	24	"on private industrial bases," should be "on a private industrial basis,". Place dash after last word "regulations,".
"	26	Place dash after "treaty,".
"	28	Third word "the" should be "our". Insert "Then" before "one might".

10403 -1-



Transcript Page	Line(s)	PROPOSED CORRECTION
10407	9	"I wanted" should be "I had".
"	12	Insert "that" after "Third,".
"	16	Change "before." to "first."
"	17	Change first word "managed" to "imagined".
"	18	"to evidence" should be "to evade".
"	23	Insert "a" before "one-sided",
10408	2	"Dr. Brobel" should be "Dr. Grobel".
10409	3	"322" should be "342".
"	13	Insert "no" before "direct".
"	23	Change "an indication" to read "a reference to".
10410	1,2	"with the German" should be "from the German".
"	2,3	Change from "French" in line 2 through line 3 to read "French should be compelled to get permission first before starting production."
"	6	Change the following: that "The further to read as follows: the assertion that "the
"	7	Place dash after "Rhône Poulenc."
"	17	"the VOMI report that has already been" should be "the VOWI report that was already".
"	20	Delete "this" before "Michel".
10411	2	"Exhibit 1262" should be "Exhibit 1265".
10412	22	"concerned about" should be "concerned with".
"	26	Insert "above all" before "Dr. Kolb,".
10413	1	First word "for" should be "about".
"	24	"For completeness sake" should be "For the completeness".
"	25	"346," should be "347,".
10414	2	Change "memorandum," to "conference,".

Transcript	Page	Line(s)	PROPOSED CORRECTION
10414	4,6		Change from "gentlemen," in line 4 through line 6 to read: "gentlemen, after the original memorandum of Farben signed by Mr. Mann, and submitted by Mr. Faure-Beaulieu on the 8th of October, 1940."
"	21		"this document, Mann 353," should be "this memorandum, Mann Document 353."
"	23		Insert "The establishing of" before last word "private".
"	25		Place period after "understanding" and delete "that exists."
10415	18		Place comma after last word "reported".
"	19		Delete first word "about,".
"	21		"of taking" should be "to take".
10416	25		Change "are called in. That never was done." to read "were called in. That never was done and was never required."
"	26,27		"considered" should be "seen in".
10417	13		Insert "Number" after "Exhibit".
10418	26,27		Insert "half" before "a pharmaceutical". Place period after "business" and delete following words "to a one-half-turn-over."
"	28		Change "was opposed to" to read "stood in the way of".
10420	2		Change "also in the case" to read "also on the part".
"	6		"bring part of our business into" should be "bring our business in France into".
"	7		"that I had" should be "as I had".
"	25		"this negotiations" should be "these negotiations".
10421	18		"we should forget" should be "to forget".
"	20		Delete "and" before "in the case of".
"	26		"draw up," should be "drawn,".
10422	12		Change colon to comma and insert "and for" after "fees".

Transcript Page	Line(s)	PROPOSED CORRECTION
10422	13	Insert "agreements for" before first word "compensations". "for that" should be "for which".
"	14	Second word "you" should be "your".
"	15	"that might" should be "as might".
"	26	Place question mark after "achieved" and delete "with the affiant."
10423	16	First word "exported" should be "export".
"	17	"this which explained" should be "this which I will introduce later and which explains".
10424	11	Place comma after first word "(un)tioned". Delete comma after "attorney".
10426	4	"it was a fight" should be "there was no fight".
"	16	Change "above all the memorandum offered" to read "above all in the memorandum we had already offered".
"	24	Change "should set" to read "wanted Contract No.1 to set".
10429	2	"corporation" should be "cooperation".
"	19	Change first word "forewent" to "renounced".
"	21-22	"Can that not be done, industry" should be "If that cannot be done, the industry".
10430	3	Delete "to" after "completely".
"	15	"page 7." should be "page 27."
"	16	Change "these followed the plan" to read "the value of the offer".
"	18	Delete "and that it".
"	19	Last words "heeded to" should be "needed to".
"	22	Second word "to" should be "with".
"	25	"achievement" should be "achievements". Delete next words "which was".
10431	3	Delete last word "to".
"	4	Delete "1943," at beginning of line. "45%" should be "54%".

Transcript

Page	Line(s)	PROPOSED CORRECTION
10431	24	"as Beyer products were" should be "as to Beyer products we were".
10432	14	Change "to taxes," to read "to I.G. participation".
10433&ff	7&ff	"Mr. Bean" should be "Mr. Bö".
"	26	Second word "rules" should be "operated".
"	30	Last word "by" should be "of".
10434	3	Change "products 563," to "documents 563,".
"	10	Change "as the Mutual Company." to read "as the joint company."
"	21	"the asset" should be "ownership".
"	27	"Mr. Buichon," should be "Mr. Buisson,".
10435	26	"we have submitted" should be "we submitted".
10436	1	Insert "profits of the" after first words "in the".
"	12,15	"Committee Consultative" should be "Comite Consultatif".
"	17,18	Change "a ration of two to one. Towards the outside" to read "a ratio of two to one. Outwardly".
10437	3,4	"Before taking over by Farben," should be "Before the taking over,".
"	8	"its share" should be "this share".
"	13	"72,000,000" should be "25,000,000".
"	29	"documents" should be "Exhibits".
10438	10	"we known" should be "we know".
"	13	"but was due" should be "but which were due".
"	16	"is headed" should be "was headed".
"	21	Third word is "transferred".
"	23	Place quotation marks after "Zofi".
"	23,24	"Central Administrative Department" should be "Central Finance Administration".

Transcript Page	Line(s)	PROPOSED CORRECTION
10438	24	Place quotation marks before "requests".
"	25	"by value of 20,000,000 francs" should be "to the value of 28,560,000 francs".
"	26	Delete quotation marks at end of line.
"	27	Change line 27 to read "On the 9th of December 1941, the Central Finance Administration stated that".
"	29	"they say" should be "they said".
"	30	Change quotation marks to single quote before first word "The".
"	31	Place single quote after last word "Reichsbank,".
"	32	"the 29th of January," should be "the 5th of January,".
10439	5	Change line 5 to read "account number 742, and from there transferred to the Reichskreditkasse, Paris,".
"	6	Delete quotation marks after "manner."
"	9	Third word "yet" should be "still".
"	11,13) & 15)	"24.4 000,000" should be "24,400,000".
"	14	"1,2 000,000" should be "1,223,228".
"	19	"was carried" should be "were carried".
10440	2	"exhibit 1232" should be "exhibit 1261".
"	14	Change line 14 to read "(understand)able in view of the fact that we were the only ones giving something, and Rhone-Poulenc admitted it,"
"	25	Insert "which" after "company".
10441	3	"Herr Beau" should be "Herr Bo"
10442	3	"received" should be "receive".
"	9	Insert "to the effect that the 3% should be sold only with the approval of Rhone-Poulenc." after "Rhone-Poulenc".

Transcript

Page	Line(s)	PROPOSED CORRECTION
10442	24, 26	Change from "writes" in line 24 through line 26 to read "writes to Rhone-Poulenc and to Bayer with a report of the communication he made to Rhone-Poulenc. I quote:"
10443	5	Delete "to" after "renouncing".
10444	13	First word "percents" should be "percent".
"	24	"No. 1, No.," should be "No. 1, No.2,".
"	29	"Document 392," should be "Document 390,".
10445	15	"9 millions" should be "9.7 millions".
"	16	"substituted but their obligations" should be "replaced but the obligations".
"	17	Insert "which" after "agreements".
"	19	Change entire line to read "have meant 10.2 millions to be paid by Rhone-Poulenc to Bayer and 500,000 francs to be paid by".
"	20	Change period to comma and insert "which is 9.7 million." after "Rhone-Poulenc".
"	26	"in included" should be "is included".
10446	16	Delete "3 provided" as repetition.
"	22	Delete last word "retroactivity".
10447	16	Place period and insert "That was executed automatically by the new French" after "legislation".
"	21	Change first words "In view of" to "Among".
"	23	Change "participation" to "activity".
"	24	Delete "it as principal claim to" after second word "waived". Also insert "Aspirin" before "business;".
"	25	"under Agreement No.2 making" should be "and Contract No.2, as well as the making".
10448	1	Change first word "about" to "and to".
"	16	Add "that" after last word "and".
"	20	"this trials" should be "this trial".

Transcript	Page	Line(s)	PROPOSED CORRECTION
10446	27		"has not been mentioned" should be "was not mentioned".
"	32		Change "counter-bill." to "contre-account."
10449	1		Change "They were by rights" to read "It should be".
"	17		"says" should be "said".
10450	9		Change "were a pipe-dream" to read "were the expression of a series of desires".
"	16		"incrimating" should be "incriminating".
"	23		Insert "an" before "agreement".
10452	1		"contract 1," should be "contract No.2".
"	13		Delete comma after "collaboration".
"	16		Change "were a jewel" to read "were an instrument".
"	23		"Monsieur Ruisson," should be "Monsieur B0,".
"	26		Insert "an equally friendly" after "to achieve".
"	30		Insert "during the time mentioned." after "with us".
"	31		Change comma to semi-colon after "Exhibit 297".
"	32		Change semi-colon to period after "Exhibit 304".
10453	2		"main Exhibit" should be "Mann Exhibit".
"	4		"2 February" should be "23 February".
"	8		"that the reciprocity has been" should be "that reciprocity had been".
10454	4		Insert "Book" after "Document",
"	13		"Oeglsch" should be "Dagesch".
"	15		"associated" should be "associato".
"	16		"which I ask your Honors to give Exhibit 1," should be "from which I ask your Honors to give Document No.1 Exhibit No.1,".
"	22		Change "Numbers 1 through the books." to "Numbers 1, etc."
"	26		"the Wirtschaft, I" should be "the section Economy, I".

Transcript Page	Line(s)	PROPOSED CORRECTION
10454	30	Delete "same" before "nature". Also delete "that have been".
10455	5	Add "(Deutsche Gesellschaft fuer Schaedlingsbekae- fungsmittel GmbH - German Insecticides Company Ltd.)" after last word "Degesch".
"	10	Insert "(German Gold and Silver Refining Company)" after "Silberscheideanstalt".
"	13	"Defesch" should be "Degesch".
"	30	Change "by paying" to "with regard to".
10456	1	Change line 1 to read "for Farben through the sale of a share to Theodore Goldschmidt, A. G."
"	2	"Exhibit No. 3" should be "Exhibit No. 6".
"	6,7	Change from "Prosecution" in line 6 through line 7 to read "Prosecution calculated the distributed profits from the nominal capital but not from the invested".
10458	4	"English baak" should be "English book".
"	5	"Versaltungsausschuss" should be "Verwaltungsausschuss". Also "Administration" should be "Administrative".
"	7	"which is" should be "which are".
"	8	First word "of" should be "or".
"	11,12	Change from "is to simplify" in line 11 through line 12 to read "is to have the position of an Aufsichts- rat towards the partners,".
"	13	Change "the partners," to read "the business managers".
"	14	Place period after "partners" and delete "that is."
10459	6	Change "in the latest" to "in recent".
"	7	"had gained" should be "has gained".
"	8	"explained" should be "explains".
"	11	Change first word "partner" to "shareholder".
10460	5	"business report No. 43" should be "the business report for 1943".

Transcript Page	Line(s)	PROPOSED CORRECTION
10460	11	"For the translation" should be "As for the translation".
"	20	Change line 20 to read "increased in its turn-over from 13,000 kilograms in 1939 to".
10461	6	Insert "(Dagussa)" after "Scheideanstalt".
"	13	Delete "the administrative counsel, or". Also delete comma after "Verwaltungsausschuss,".
"	14	"on them" should be "on it".
"	32	Change "compilations." to "reports."
10462	12	"he has seen" should be "he saw".
"	14	"considers" should be "considered".
"	24	Change "an anti-toxin," to read "a warning agent,".
"	30	"Esseuer" should be "Dessauer".
10463	20	"Moenik." should be "Moenicke."
10464	13	Delete comma after "page 4".
"	27	Delete "already got".
10465	30	Change "close at hand" to read "natural".
10466	7	"along the same line as did" should be "of the same kind as".
"	10	"13 per cent" should be "15 per cent".
"	27	Last word "the" should be "their".
10468	14	Change line 14 to read "men(eger) so that Farben and Scheideanstalt each had a business".
10468	19,20	Change "Farben" to "Dagesch" (after "manager of").
"	26	Change line 26 to read "business management which up to now was always in the hands of the Scheideanstalt)".
"	32	"1936 to 1945" should be "1930 to 1945."
10469	11	"to a very" should be "in a very".

Transcript	Page	Line(s)	PROPOSED CORRECTION
10470	16	"an administrative council" should be "a Verwaltungs- rat (administrative council)".	
"	17	"an administrative committee" should be "a Verwal- tungsausschuss (administrative committee)".	
"	19&ff	Change "administrative committee" to "Verwaltungs- ausschuss".	
"	21	Add "orgen," after last word "company".	
10471	12	"made the stamp of formality." should be "bore the stamp of a pure formality."	
"	17	Change line 17 to read "Q. And what did they do at these meetings in addition to the formalities?"	
"	21	"they were" should be "there were".	
"	23	Insert "tha" after "subsequently during".	
"	26	Add the following lines after line 26 and before line 27: "A. Once a year. Q. Did you receive them regularly and promptly?"	
"	27	"They varied." should be "It varied." Also "upon its" should be "upon the".	
10472	2	"Fremde, Department Fremde." should be "Fremde Firmen."	
"	16,17	Change "the affairs" to "the details".	
"	16	Insert "an agreement between" before "Schlosser".	
"	19	Delete first word "have".	
"	32	"disinfecteng agents," should be "disinfecting agents". Also insert "which" after "insecticides".	
10473&ff	2&ff	"cyclone" should be "Zyclon".	
"	3	"Tesch in Stabenow," should be "Tesch and Stabenow,".	
10474	6	Delete comma and "which," after "The war".	
10475	20	Change first word "imaginations" to "ideas".	
10477	2	"I have seen" should be "I saw".	

Transcript	Page	Line(s)	PROPOSED CORRECTION
10480	23,24	Change from "absorption" in line 23 through line 24 to read "absorption of prussic acid into inert substances, and it is packed in cans hermetically."	
"	27	Insert "An absorbent which has no effect." before "That is".	
10481	19	Change "are gassed" to "are fumigated".	
"	26	"decontaminated" should be "decontaminated".	
10484	12,13	"is one point two, up to one point five grams" should be "is 1.2, up to 1.5 grams".	
"	31	"dealth" should be "dealt".	
10487	23	Delete "us" after "was sent".	
10488	10	"I fell will" should be "I fell ill".	
"	13	"Vienna hospital" should be "Jena hospital".	
"	30	"where I stayed" should be "where I have lived".	
10489	2	"I have been grented" should be "I was granted".	
"	3,4 & ff	"administrative committee." should be "Verwaltungs-ausschuss."	
"	24	"parten" should be "partner".	
10490	6	"in southeast area Poland," should be "in the south-east area of Poland."	
"	10	First word "tese" should be "these".	
"	22	"that is" should be "that it".	
"	26	Delete "to have a".	
"	27	"szklon" should be "zyclon".	
10492	27	Delete "AS" before "Obersturmfuehrer".	
10493	6	First word "hate" should be "have".	
"	19	First word "Heili" should be "Heli".	
10494	7	"mind" should be "mine" before "abroad".	

Transcript

Page	Line(s)	PROPOSED CORRECTION
10495	13,14	"either." is last word of Answer. Begin new line and Question with "Q. And the other two....". Change period to comma after "Verwaltungsausschuss". "Mr. Hoerlein." is last word of Question. Begin new line and Answer with "A. I believe..."
10496	18	"you learned" should be "you learn".
"	23,24	"about a gas chamber, a Gaskammern;" should be "about gas chambers, Gaskammern;"
"	25,26	"contamination" should be "decontamination".
"	26	"kammern." should be "kammer."
10497	9	"Halo," should be "Holi,"
"	17	"excommunicated," should be "outlawed."
10499	6	"gassings," should be "fumigations,"
"	13	"gassing materials" should be "fumigating materials".
10500	20	"that was supposed to" should be "that might".
10502	5	Insert "it" after "isn't".
"	11	Place comma after "Zyklon-B".
10503	9	Change line 9 to read "their all-time high, all-time, that is, up to 1942 -- they went even higher".
"	28	Change comma to question mark after "then". Begin new sentence with "You used".
10504	16	Insert "the" before "Bibelforscher,"
"	20	"your know?" should be "you knew?"
10507	10	"conclusions," should be "conclusion,"
"	28	"Professor, Fluri, was" should be "Professor Fluri was".
"	29	Delete "that" (as repetition).
"	30	Last word "did" should be "was."
10510	5	Insert "able" after "probably".
"	17,18	Change "acquited" to "acquired".
"	30	"could demand just any equal" should be "could justly demand an equal".

Transcript

Page	Line(s)	PROPOSED CORRECTION
10511	12,13	Change from "and the only reason" in line 12 through line 13 to read "and since the only reason for which I remained there, the activity abroad, had ceased because of the outbreak of the war, I resigned my functions as business manager and Mr. Mann did the".
"	23	"that can be" should be "and can be".
10512	11	Insert "and" after "manager there".
"	21	"I do not assume" should be "I do assume".
10513	16	Insert "than" after "was less".
10514	5,6	Change "who then were on the retreat were" to read "above all, who came back". Delete "and they" before last word in line 6 "made".
"	15	Insert "as every other camp" before first word "for". Also "has to be" should be "had to be".
"	24,26	Change lines 24 through 26 to read "stated you still had a claim of 5,000 Reichsmarks against Gerstein. Should not this properly have been pointed out to you?"
10516	10	Delete "was" after "Ferber".
10517	13	Delete question mark after "anything".
10518	12,13	Delete "on behalf of Degussa," after "partners". Insert "on behalf of Degussa," after "representatives".
"	17,19	Change "Verwaltungsrat," to "Verwaltungsausschuss,".
10519	4	Place semi-colon after "anything".
"	5	Second word "know." should be "known."
10520	13	"Keli" should be "Heli".
10521	30	Place comma after "Verwaltungsausschuss". Delete comma after "1942".
10524	30,31	Change from "also" in line 30 through line 31 to read "also in view of the profits derived from the majority the Dogesca held in the two main German representatives, Dr. Goldschmidt answers---". (Do not delete quotation marks at end of line 31).
"	32	Insert "of" after "origin".

Transcript

Page	Line(s)	PROPOSED CORRECTION
10525	4	Change "application" to "request".
"	7	"took place." should be "takes place."
"	8	Place quotation marks after "undersigned".
"	9	Place quotation marks before "and it was stated".
"	13	Delete quotation marks before and after "business". Place comma after "partner". Change "i.e. the Degusse," to read "and the business management of the Degesch itself".
10526	6	"menegine" should be "meneging".
"	18	"shares in other factories" should be "participations in other firms".
"	20	"shares" should be "participations".
"	25	"also for the shares" should be "also on behalf of the share".
10528	10	"excused" should be "excuses".
10531	13	Insert "case" after "particular".
"	21	"were drawn" should be "were known".
10533	10	"were available" should be "was available".
"	14	"impressing" should be "impression".
"	21	"have opposed" should be "contradict".
10536	14	"Orientburg," should be "Orenienburg".
10537	4	"1940," should be "1945,".
10539	10	"not clue" should be "no clue".
"	21	"I had ordered" should be "I had mentioned".
"	24	Delete "then" after "give".
10540	9	Place comma after "it was". Delete next word "right,".
"	12	"were involved," should be "are involved,".
"	13	Change "this involved" to read "where there is".
"	19	Change "explained" to "took".

Transcript

Page	Line(s)	PROPOSED CORRECTION
10541	14,15	Delete "Q" at beginning of line 15. Sentence beginning with "This statement.." is continuation of answer beginning in line 14.
10542	21,22	Change from "irritant" in line 21 through "deviation" in line 22 to read "irritant in the negative, and I answered this question to the best of my belief for I was not aware of the deviation".
10543	2	"I saw" should be "you saw".
"	24	"he didn't make" should be "he did make".
"	30	Last word "intergostion" should be "interrogation".
10544	14	"witness is description" should be "witness' description".
10545	6	Delete "end, these,--".
10546	13	Change "applied in requesting" to read "applied, and a request made for".
"	15	Change line 15 to read "to us the technical basis for the use of the areginal and the production plant had been given".
"	16	"that areginal go" should be "that areginal be".
"	20	Place comma after "application".
10549	2	Second word "too" should be "up".
"	10	Delete "so that".
"	11	"it." should be "them."
10550	10	Change comma to period after "heving it". Delete next word "but" and begin new sentence with "Ten minutes". Insert "an objection," after "we would have".
"	19	Insert "-- that is a relatively low rank--". after "Scharfuhrer,".
"	31	Insert "in" after "to got".
10552	1	Place comma after "at the time".
"	2	Place comma after "people".
10554	15	"withdrew.)" should be "withdrew.)"

Transcript Page	Line(s)	PROPOSED CORRECTION
10555	3	Last word "no," should be "Now,".
10557	3	"question, Dr. Berndt's asks" should be "question Dr. Berndt asks".
10558	23	"or controlling them" should be "to control it".
10559	14	"neigher" should be "neither".
"	32	Change line 32 to read "the sales of zyklon, especially in the years after 1941?" Also insert following Answer after line 32 and before Page 10560: "A. Yes, during this time also I was regularly informed about the development of the Zyklon sales. I needed this information for introductory work."
10560	12	First word "toms" should be "tons".
10562	14	"or typhus" should be "of typhus".
"	19	Insert "a" after "used in".
10564	1	Delete "for" before "food stuffs,".
10566	17	Change "Where is if" to read "Whereas if".
"	25	"maing allocations" should be "making allocations".
"	26	"was hegrd" should be "was head".
10567	5	"below that" should be "below those".
"	26	Delete comma after "1942 end".
"	32	"any drlp" should be "any drop". Add "of" after last word "result".
10568	2	Insert "A." before first word "Yes,".
"	29	Place comma after "houses". Delete next word "like,".
10569	19	"I have not" should be "I have no".
10570	13	Change "to those cans" to read "to the documents in the index".
"	20	"or non special" should be "or other special".
"	29	"excerpt" should be "except".
"	31	Insert "to" after "I ask".

Transcript

Page	Line(s)	PROPOSED CORRECTION
10571	6	"Hoorde," should be "Hoerde,".
"	14	Delete "treaty".
10572	8	Change "Yes. when I do a little physical" to read "Yes, after having done a little mental". Place comma after "here".
"	19	Change "anything additional" to read "anything necessary in addition".
10573	25	Change "this secrecy" to "this double invitation".
10574	7	Change "to introduce the investigation into" to "to investigate".
10575	13	"departments" should be "department".
"	17	Insert "the" before "scientific".
10576	12	Change line 12 to read "of the scientists in Beyer's field service with the".
"	13	Change "On account of" to read "Through".
"	16	Change "experiments" to "tests (Pruefung)".
"	16	Change "examiner" to "tester (Pruefer)".
"	21	Change "examinations" to "tests (Pruefung)".
"	25	"quantities" should be "dosages".
"	27	"experiment" should be "test (Pruefung)".
10577	13	Change "scientific department" to "sales department".
"	15	"I have been able" should be "I was able".
10579	25&26,27	Insert "or test (Grossversuch)" after "experiment".
10580	6	Insert "for diphteria" after "vaccine".
"	12	Insert "I knew nothing of it." before "I never heard".
"	14	"NI-14159," should be "NI-14059,". Also "Exhibit 1667," should be "Exhibit 1365,".
10581	4	"or prices" should be "for prices".
10583	2	"much details," should be "much detail,".
"	13	Delete last word "have".

Transcript	Page	Line(s)	PROPOSED CORRECTION
10583		14	Last word "person" should be "persons".
10584		20	Place quotation marks before "the present".
"		25	"included" should be "include".
10585		2	"are absolutely" should be "is absolutely".
"		6	"providing" should be "provided".
"		19	"recall at that time measures" should be "recall that measures".
10587		5	Insert "that we considered it of value" after "it is written".
10588		1	"I haven't given" should be "I did not give".
"		16,19	Delete entirely from "In that connection," in line 16 through "the Party." in line 19 (as repetition).
10589		1	"that Roman letter," should be "that Homann letter,".
"		18	Insert "with them" after "interfere".
10590		14	Insert "I" after "Might".
10593		13	"there were" should be "there are".
"		14	Insert "Mrs." before "Kaufmann".
"		29	"this measures?" should be "these measures?"
10594		8	Change "future members" to "future special reports".
"		10	Change "be covered." to "be drawn up."
"		29	"there are" should be "there were".
10597		3	"with and the approval" should be "of and with the approval".
"		15	"integration" should be "interlacement".
"		26	"a first full" should be "the first full".
10598		24,25	Place quotation marks after "I said,". Delete quotation marks before "that means". Also change some words "that means to" to "meaning".
"		27	"if this statement" should be "whether this statement".

Transcript

Page	Line(s)	PROPOSED CORRECTION
10596	32	Change line 32 to read "question. By the request of the German government, I understood the".
10600	2	Insert "an" before "excerpt".
"	15	"in error." should be "an error."
"	16	"Was not your" should be "Was there not a".
10601	3	Place quotation marks before "A. As regards".
"	14	"documents, we submitted an agreement" should be "documents submitted that we had an agreement".
"	15	"another firm" should be "other firms".
"	31	Insert "an" before last word "agreement".
10602	1	Change "of the French concept" to read "on the part of the French".
"	6	"was complete" should be "was of course".
"	18	"is a core" should be "is the core".
"	19	Delete "did," after "First,".
"	20	Insert "did" after "agreement,".
10603	3	Insert "my" before "counsel,".
"	12	Change "takes up with" to read "coincides with the statement of".
"	13	Change "when we cross-examined them" to read "concerning which we have already cross-examined."
"	23	Change comma to period after "Book 5". Begin new sentence with "On the first". Delete "No. 4,".
10604	1	Delete "for" before "F-B". Also place comma and quotation marks after "A-B".
"	2	Place quotation marks before "pays". Delete next word "in".
"	12	Change period to comma after "Exhibit 272". Also change next word "It" to "which".
"	15	"give them up," should be "give his shares up,".
"	16	Insert "should" before "offer".

Transcript	Page	Line(s)	PROPOSED CORRECTION
10605	13		"Exhibit 296," should be "Exhibit 2098."
10606	26		"or '33" should be "or '35".
"	27		Delete "then" before "I cannot".
"	32		"German" should be "Germany".
10608	8		Delete "Of extermination,".
"	9		Insert "about extermination" after "they wrote".
10609	9		"which will not be put" should be "which were not put".
10610	14		"in the" should be "of the".
10611	27, 26		Change from "countries" in line 27 through "learn" in line 26 to read "countries, through anyone of them or through any other means, did you learn".
10612	3		Change "this Document 155 is admitted" to "this Book 69 can be admitted".
"	7		"is different." should be "is a great difference."
"	15		"this documents" should be "this document".
"	21		"viewed" should be "view".
"	24		"testified to," should be "testify to,".
10616	3		Delete "be" after "Areginal".
10617	9		"but I don't recall" should be "as far as I recall".
10618	14		"and whether" should be "and if".
"	15		Change "is one capacity" to "then in this capacity".
10619	1		Change "No, 15033 is 2101." to "Yes. So 15033 is 2101."
"	9, 10		"sort of a union of firms applying their work" should be "a sort of union of firms working".
"	19		"commenting." should be "comment."
10620	19		Change "very clear. This defendant" to read "very clear as well as the fact that this defendant".
"	25		"withour own" should be "within our own".

Transcript Page	Line(s)	PROPOSED CORRECTION
10620	29	Place semi-clon after "conduct".
"	30	Last word "to an" should be "by an".
10621	1	"underneath" should be "under".
"	25	"But you are" should be "But we are".
10622	5	"oftentimes" should be "often".
"	12	"us leader" should be "as leader".
"	16	"as the one" should be "then the ones".
"	24	"location" should be "destination".
"	31	"they did not" should be "you did not".
10623	1	Change "the ones you have" to "the matters you".
"	6	Delete period after "office". Continue sentence with "instead of".
"	28	"Exhibit" should be "Exhibits".
10624	6	Insert "it" after "I see".
"	13	"T Gas" should be "the TE-Gas".
"	15	"was also" should be "was always".
10625	6	"action" should be "actions".
"	16	"I am interested" should be "I was interested".
10626	21	Delete "that" as repetition before "the witness".
"	26	Change "detaining" to "rushing".
"	27	"in the jail" should be "in jail".
10628	23	Change "company" to "partners".
10629	20	Insert "regular monthly" before "reports."
"	27	Insert "A" before first word "particular".
"	28	Add "in" after last word "them".
10630	4	Place period after "Nurnberg". Begin new sentence with "In answer". Last word in line should read "questions".

Transcript Page	Line(s)	PROPOSED CORRECTION
10631	21	"I have not" should be "I had not".
"	26	Insert "their" before "customers".
10632	7	Change "informed" to "established".
"	6	Insert "(Verwaltungsausschuss)," after "Committee".
"	29	"they were the only ones who appeared" should be "who were the only ones who made any appearance".
10633	1	Change line 1 to read "Q.-- Well, why did Mr. Mann have a more active appearance?"
10634	3	Change "limitations etc., with" to read "limitations, application of Areginal and such things, with".
"	6	Place comma after "cases". Delete comma after "for instance".
"	7,8	Change "— a certain type of poison," to read "on contact poisons,".
"	10	Place quotation marks after "expenses."
"	21	"camp," should be "camps,".
10635	2	Delete "them" after "described".
"	6	"November 1940" should be "November 1945".
"	16	Second word "manner," should be "matter,".
"	20	Insert "of October" before "1947,".
"	26	"It means more" should be "It means no more".
"	31	"Mr. Elben" should be "Mr. Elbau".
"	32	"Mr. Minkoff's" should be "Mr. Minskoff's".
10636	1	Place semi-colon after "Mr. Kaufmann".
"	10	"his present utterances," should be "his utterances at that time,".
"	31	Change "did they use it?" to read "did they purchase it from Wolfen Farben?"
"	32	"Leve Kusen" should be "Leverkusen".
10639	9,10	Change from line 9 through "aspirin." in line 10 to read "A. Cyanide can be compared to Areginal as potassium cyanide to aspirin."

Transcript

Page	Line(s)	PROPOSED CORRECTION
10639	13	"13 May," should be "30 May,".
"	14	"24,000 tons" should be "24 tons".
"	17	"may purpose" should be "the purpose".
2	31	Insert "(See Page 10635, line 31; English transcript gives correct name.)" after "Mr. Heilbrunn,".
10640	4	"RE-CROSS" should be "CROSS".
10641	17	"was confined" should be "were confined".
"	27	"trustively" should be "trustingly".
10642	25	Delete "end" after "suitable".
10643	14	Place comma after "to me".
"	15	"I didn't know what" should be "I don't know just what".
"	21	"happy subject" should be "happy to subject".
10645	16	Change further than" to "apart from".
"	30	Delete second word "be".
10646	12	Insert "preliminary" before "budget".
"	21	Change "the company which we held," to read "the second company, the Chemie Werk in Frankfurt, which we held,".
"	22	Place period after "Scheidenstelt". Delete next word "Frankfurt." Also "Mr. Conrad," should be "Mr. Konrad,".
"	31	Change period to comma after "to take place".
10647	1	Change "to be a meeting of" to read "not to be a general meeting of the stockholders - but a meeting of".
"	7	Change "very often concerned" to read "as it often happened, concerned".
"	15	"that this year's compenu" should be "that that year's company".
10649	27	"Professor Hortoin." should be "Professor Horlein."

Transcript Page	Line(s)	PROPOSED CORRECTION
10650	6	"under quotation marks," should be "within quotation marks,".
10652	16	"any document" should be "any documents".
10653	15	"and the restoration" should be "that is, first, the restoration".
10654	17	Last word "claify" should be "clarify".
"	25	Delete "it is decisive," after "after all,". Insert "is decisive," after "I say now,".
"	26	Delete "and that" after "documents,".
10655	18	Change "treaty?" to "contract?"
"	19	Delete "had" before "discussed".
"	20	"we had reached" should be "we reached".
"	23	Change "was that Rhone-Poulenc" to read "was the desire expressed by Rhone-Poulenc". Delete last word "had".
"	24	Change "expressed the desire of an" to read "for an".
"	25	"this very point" should be "this last point".
"	26	Change "that in my more intuitive thought" to read "by deeper reflection".
"	27	Delete "I was correct,". Also delete "that" before "I was proved".
10656&ff	10&ff	Change "treaty" or "treaties" to "contract" or "contracts".
"	13	Add "had" after last word "have".
10658	17	"regal pattern," should be "legal pattern,".
10660	11	"they only could" should be "they could".
"	27	Add "the" after "concerning".
10662	11	"discussion," should be "discussions,".
10663	7	First word "Now," should be "No,".
"	10	"brand" should be "branch".
10665	22	"submitted" should be "submitting".

Transcript

Page	Line(s)	PROPOSED CORRECTION
10665	24	"I jointed" should be "I attached".
10666	13	Insert "(Editor's Note: See line 29 below)". after "in 1928".
10666	3	Delete "direct".
10669	14	"Rathnau," should be "Rathenau,".
"	18	"as a human being" should be "as human beings".
"	22	"quited down" should be "quieted down".
10670	23	"and that was" should be "as was".
"	19	Change period to comma after "Party". Continue sentence with "after".
"	20	Change "the plant Nazi official" to read "the employees' representative (Betriebsobmann)".
10671	5	Delete comma after "have done".
"	10	"in view of" should be "for".
"	13	"approved by" should be "appointed in".
"	15	Change "your statements" to "the statements".
10672	1	Second word "Storm" should be "Troop".
10673	16	"was being occupied and" should be "was occupied, and".
"	23	"products" should be "production".
10674	24	Insert following sentences after "as such.": "It is an affidavit of the former employee of the Nitrogen Syndicate, Konrad Franke, who reports on Dr. Oster's attitude in this Syndicate; in particular, he describes the frankness with which Dr. Oster expressed his opposition towards certain measures of the government. As Exhibit 9, I offer Document No.9, another affidavit of a former employee of the Nitrogen Syndicate. The affiant is Hans Schmidt. As Exhibit 10, I am offering Document No.10."
"	26	Insert "who" before "expresses".
10676	7	"Dr. Baer," should be "Dr. Bueb,".
"	13	Change "was used" to "was produced".

Transcript			
Page	Line(s)		PROPOSED CORRECTION
10677	8	Change "the companies buying from" to "the partners of".	
"	15	"the Calcium nitrate" should be "the nitrogen of lime".	
10678	2	"brutto turnover," should be "gross turnover,".	
"	13	Insert "(Verwaltungsrat)," after "Council".	
"	14	Change "the partners" to read "the stockholders' meeting (Gesellschafterversammlung)".	
"	21	Insert "(Betriebsrat)" after "Council".	
"	26	Insert "(Geschaeftsleitung)." after "Management".	
10679	3	"three company" should be "the company".	
"	9	Insert "Erzeugerwerksversammlung)." after "Assembly".	
10680	25	"60" should be "6".	
"	29	First word "Brutto" should be "gross".	
10681	3	"from the years up" should be "From that year up".	
10683	24	"the hydro production." should be "the Norsk-Hydro production."	
10684	12	"its ammonia" should be "their ammonia".	
10686	17	Place semi-colon after last word "ones".	
"	18	Delete semi-colon after "agreements".	
10687	7	Place comma after "agriculture".	
"	9	"communal" should be "common".	
"	11	Delete "and" after "Sparten".	
10688	6	"the official" should be "of official".	
"	26	"appointments" should be "appointment".	
10690	12	Delete last word "and".	
"	18,19	"Farben were greatly assim lated in" should be "industry were greatly assimilated to".	
"	21	"the economic" should be "an economic".	

Transcript

Page	Line(s)	PROPOSED CORRECTION
10690	28,29.	Change "Within this organization the whole sphere was to be subdivided in" to read "In the course of these measures, the Economic Group Chemical Industry was subdivided into".
10691	3	Place comma after "production". Change "as well as in the" to read "as well as the Armament Ministry and the".
"	7	Insert "and general question of statistics" after "nitrogen".
"	16	Change "to be expended" to "to be exported".
"	16	First word "designated" should be "allocated".
10692	6	"Germany's Reich." should be "the Third Reich."
"	10	"Back," should be "Backe,".
"	17	Place comma after "nitrogen".
"	27	Change "When the National-Socialists" to read "However, according to the experiences of the past years, since the National-Socialists".
10693	2	Change line 2 to read "equal partner within world events. The fact that Germany".
"	7	Change line 7 to read "to foreign countries and I thought, he wouldn't do that, were he planning".
"	19	Change "political" to "Poland".
10694	2	"it is truth" should be "it is true".
"	4	"postponed" should be "prolonged".
"	5	Insert "by all partners" after "to be paid".
"	6	Change period to comma after "factory". "Baisser-Levelle," should be "Ressaix-Leval,".
"	7	Change "dividends" to "instalments".
"	6	Insert "were made" after "payments".
"	9	Place comma after "government". Change next words "they were made only in" to read "the last instalment being paid in".
"	21	Insert "the" before "account".

Transcript	Page	Line(s)	PROPOSED CORRECTION
10694	28	.	Insert "we" after "to which".
10695	1		"We have it 29." should be "You said number 29."
10696	4		Change "company managers" to "partners of the Syndicate".
"	5,6		Change from "referring" in line 5 through line 6 to read "referring to the Syndicate with Farben. Matters of the other partners of the Syndicate would have come to the".
"	12		"obligations" should be "obligation".
"	14		"made by us" should be "placed on me".
"	25		"he only had something to do with it" should be "he had something to do with it only".
10697	7		Insert "(WIPO)." after "department". Change "for the department of the" to "for department questions of the".
10701	19		Insert "amount from the" before "assets".
"	20		Insert "in" before "pounds".
10704	22		Change "a group" to "in a circle".
"	23		Change "did not discuss" to "there was no discussion of".
10706	19		Change "nitrogen and gasoline." to "gasoline and explosives."
"	30		Change "to depreciate" to "to write off".
10707	10		Insert "not" after first word "here".
"	12		Change "by others" to read "by firms who did not want to utilize them"
"	16		Add "of" after "relation".
10708	6		Insert "undertaken" before "almost,".
10709	6		"different kind" should be "different kinds".
10711	5		Change "we turn to" to "we turn away from".

Transcript Page	Line(s)	PROPOSED CORRECTION
10712	1,2	Change lines 1 & 2 to read "when the German Minister of Food and Agriculture asked for nitrogen, phosphorus and alkali from the entire German fertilizer industry. For the rest,".
"	18	Insert "in" after "brought in".
10713	1	"Doctor Bue," should be "Doctor Bueb,".
"	6	"acquired from" should be "acquired by".
"	8	Change "therefore made exports safe for Germany" to read "entrusted the export of its production to the German Nitrogen Syndicate".
10714	10	"to be arranged" should be "to arrange".
"	29	"Kosatschk," should be "Cosach,".
10716	11	"has claimed" should be "has the right to claim".
10719	28	Second word "Ostrova," should be "Nordbahn,".
"	29	Delete "probably" before "sent".
10721	4	"these were" should be "there were".
10723	22	"had come by." should be "had gone by."
10724	17	"Mijkop," should be "Mokog,".
10725	24,28	"von Harburg," should be "von Harbou."
10726	6	"1931," should be "1921,".
"	24	"at this was" should be "as this was".
10727	25	"Document 32" should be "Document 33".
10728	1	Insert "you" after "like".
"	7	"Salzkontor" should be "Salgs Kontor".
"	21	Place period after "Norsk-Hydro". Insert "During the negotiations concerning Denmark, the Norwegian gentlemen of Hydro" before "were always".
"	26	"written again" should be "rewritten".
10730	7	"at to how" should be "as to how".
"	15	Insert "increasing" before "import".

Transcript	Page	Line(s)	PROPOSED CORRECTION
10731	11	First word "out" should be "our".	
"	25	"nitrogen g.m.b.h." should be "Nitrogen G.m.b.H."	
10732	1	"that industry to carry" should be "industry from carrying".	
10733	24	Change "the part" to "the higher share".	
10736	2	"an amount," should be "one amount,".	
"	3	"paid to the Syndicate." should be "repaid to the Syndicate."	
10736	11	"position?" should be "appointment?"	
"	19	Delete "put under trusteeship".	
"	20	Insert "taken care of" after "territories".	
"	21	Delete first word "Only".	
10737	21	Delete "with advice".	
"	22	Insert "with advice." after "plants".	
"	26	Delete "concerning the foundation of the Nitrogen Syndicate and".	
"	31	Change period to comma after "Reichsanzeiger".	
10738	2	Insert "Eastern" after "occupied".	
"	13	"mention" should be "mentioned".	
"	30	"Muttoten," should be "Notzien,".	
10739	13	"Styren" should be "Styre".	
"	15	"is handled" should be "was to be handled".	
"	19	Change "on the other hand it was favorable" to read "on the contrary it was more favorable".	
10740	3	"Fr. Buor" should be "Dr. Bueb".	
10742	17	"sacrify" should be "sacrifice".	
10743	4&ff	"Stucro" should be "Styre".	
"	14	Change "concerning" to "of".	

104031-31-7

Transcript

Page	Line(s)	PROPOSED CORRECTION
10744	16	Insert "which" after "documents". Also insert "number" after "exhibit".
10745	28, 29	Change from "Norsk-Hydro" in line 28 through line 29 to read "Norsk-Hydro produced certain quantities of deuterium oxide in its very large water electrolysis."
10746	10, 11	Change "Norwegian" to "Swedish".
"	16	"Anbert." should be "Aubert."
"	31	Insert "the" before "nitrogen".
10747	12, 13	Delete "Mr. Koppenberg ordered the power plant of the nitrogen factory the construction of which naturally took a long time."
10748	3	Insert "situation" after "nitrogen".
"	4	"plant" should be "plan".
"	27	Insert "only" after "time".
10749	4	"to rfer" should be "to refer".
"	9	"page 2" should be "page 3".
"	10	Insert "Hydro" before "shares".
"	21	"These state(ments)" should be "The state(ments)".
10750	7	Second word "me," should be "he,".
10752	12	"he evacuated" should be "we evacuated".
"	13	Change "from the ominent" to "due to the imminent".
"	14	Change "in the autumn of 1944." to "in March of 1945."
"	22, 23	"under which" should be "where". Change "How comfortable," to read "How comfortably they were equipped."
"	24	Delete "a" before "barracks,". Also delete "of course, these barracks were equipped".
10753	6	Insert "about" after "moved".
10754	3	Insert "the" before "very good".

Transcript	Page	Line(s)	PROPOSED CORRECTION
10756	14		Insert "even" after "trips".
10757	21		Change comma to dash after "reported".
10758	20		"a Bank" should be "the Bank".
10759	23		"Si," should be "So,".
"	23		Change "he regards" to "he remembers".
10760	18,19		Change "a department in Berlin, a chief of a department" to read "a Referent".
"	24		"VIPO." should be "WIPO."
10761	9		"out agricultural synthetic" should be "our agricultural scientific".
10762	10		First word "log" should be "lot".
"	27		"Rosterg" should be "Rossberg".
10763	4		Change "Himmler," to "Kappler,".
"	9		Change "escape taxation." to "emigration tax."
"	31		"became active politically?" should be "was active politically?"
10764	2		"became active, politically," should be "was active politically,".
"	17,18		Change "to be a quack in the industrialist circles." to read "in being a quack in business circles."
"	19		Insert "DR. HARTMANN: Thank you." after line 19 and before line 20.
10765	16		Insert "say." after "definitely".
"	16		Change "carried out in certain" to read "went in".
10766	8		Insert "only" after "I can".
"	11		Insert "chat" after "before,".
"	22		Insert "in the 2nd Reich" after "Poles".
"	24		Insert "until Hitler made his treaty." after "Poles".
10767	20		"to quite" should be "to quiet".
10768	5		Last word "it?" should be "them?".

Transcript Page	Line(s)	PROPOSED CORRECTION
10760	7	Insert "But in any case," before "I didn't have".
10770	8	Last word "stores" should be "troop".
"	27	Delete first word "they".
10773	5	"D.I.," should be "Di.,".
"	14	"ambition" should be "ambitious".
"	32	"of nitric acid" should be "of nitrogen or nitric acid".
10774	6	"Nitrogen brand" should be "Nitrogen branch".
"	21	Delete "that," after "remember". Also delete comma after "indictment".
10775	6,9	"economic and political department." should be "Economic Political Department (WIPO)."
"	10	"I were" should be "I was".
"	11	"The economic and political department," should be "The Economic Political Department,".
"	32	"has taken into account this matter," should be "has taken this matter into account,".
10776	24	Delete "the" before "director".
"	30	Change "the sellers" to "the sales".
10778	9	"He was the" should be "I was not the".
"	13,14	Change "to the plant later from the" to read "as plant leader by the".
"	17	Insert "same" before "agencies".
"	24	Insert "No, I did not mention Chorzow." before "I mentioned".
"	26	"Chorzow, But that was" should be "Chorzow which was".
10779	14	Delete comma after "Polish".
"	19	Insert "were" before "only".
10780	3	"polish plants." should be "Polish plants."

10403(-34-)

Transcript Page	Line(s)	PROPOSED CORRECTION
10760	14	"That I know -- this is" should be "That I knew is".
"	15	"supposed" should be "opposed".
"	16	"to have nothing" should be "to having anything".
"	27	"What you are seeking" should be "What are you seeking".
10761	6	Insert "that" before "before".
"	9	"mentions" should be "mentioned".
"	10	Delete "before".
"	11	Insert "but that" after "himself".
"	12	"that was the thing" should be "that is the thing".
"	24	Second word "must" should be "much".
10762	11	Change "affidavit" to "examination".
"	16	Place quotation marks after "that you?". Delete quotation marks before "end".
"	17,18	Change from "said" in line 17 through line 18 to read "said is correct as Mr. de Haas described it."
10763	7	Delete "looking over".
"	12	"which was" should be "what was".
"	14	Delete "a" before "convention".
"	22	"by colleague" should be "my colleague".
10764	13	Delete "to have".
"	17	"Both." should be "both".
"	20	"from who" should be "from the".
10765	6	Let "him" should be "then".
"	13,14	"Styre" should be "Slyre".
"	17	"to Hytro." should be "by Hytro."
10766	16	"recelly" should be "really".
"	20	"you must see it from" should be "one must see".

Transcript	Page	Line(s)	PROPOSED CORRECTION
10787	6		"by the governmental agencies' questions" should be "of the governmental agencies".
"	7,8		"attend," should be "attend to it,".
"	14		"continue" should be "continued".
"	15		Insert "had" before "to cope".
"	23		Insert "so," after "may say".
"	27		"1939." should be "1936."
10788	13		Insert "a" before "harmless".
"	19		Delete "with that".
"	20		"but I do not remember" should be "but it is possible I do not remember exactly".
"	21		Delete "anyway"
"	31&ff		"Styro" should be "Styre".
10789	8,10		Change from "asked" in line 8 through "but this is" in line 10 to read "asked to take some papers -- I believe the minutes for the French -- along with him. I think that I can remember that that happened once also through some gentlemen of NW 7 who happened to be in Norway. But this is".
"	17		Insert "for" before "the time being".
10790	20		Change line 20 to read "connection with the Behring Works at Marburg. The evidence concerning questions with respect to the medical field in connection with the Hoechst Plant will".
"	21		Insert "in Switzerland" after "commissioner".
10792	17		"saviors" should be "savior".
10793	2		"suspended" should be "suspend".
10794	6,7		"except for one packet of shares." should be "except for one share."
"	18		"Mangau" should be "Mangau".
10795	5		Delete "the" before "pharmaceuticals".
10796	8		Insert "and" after "government,".

Transcript	Page	Line(s)	PROPOSED CORRECTION
10797	1		Insert "department" after "Behringwerke".
"	2,3		Delete "and transmitted them in turn". Change "individual plants." to "Behringwerke."
"	4		"one question from before" should be "one previous question".
10798	24		Delete "Previously,".
10799	7		Insert "you" after "Would".
10800	7		"in business" should be "and business."
10801	17		"out disposal." should be "our disposal."
"	24		"Waigle," should be "Weigl,".
"	26		"could not" should be "could only".
"	30		Insert "quickly" after "which can".
10802	9		Delete "of" before "trouble."
"	10		Place period after "achievements". Begin new sentence with "On the".
"	17,18		Delete "and if the physician demanding the vaccine from these agencies was impossible" (as repetition).
"	19		"out product," should be "our product,".
10803	17		"This is a letter" should be "This is the letter".
10804	1		Delete "included".
"	2		Change "time into" to "time included in".
"	7		"our investigation" should be "the investigation".
10805			Pagination omitted.
"	19		Insert following sentence after "Dr. Mrugowsky.": "That is to say, not an experimental plan between Mrugowsky and the Behringwerke, but between Gildemeister and Mrugowsky."
10806	20		"of the time note" should be "note of the time".
"	26		Insert "this" before "even remained".
10807	28		"Kiew" should be "Kiev". Delete "he" before "expected".

Transcript	Page	Line(s)	PROPOSED CORRECTION
10809	16		Change "as reported" to "as promised".
"	17		Second word "to" should be "of".
10810	8		"the case" should be "the doctors' case".
10811	4		"to dispose over" should be "to dispose of".
"	6		Last word "by" should be "be".
"	15		Change "and it resulted from experience and comparison the" to read "and the comparison from experience results in the".
10812	7		"Gildemsiater Krugowski comparatively tests." should be "Gildemeister-Krugowski comparative tests."
"	17		Place quotation marks after "nothing".
"	20		"Ruessingsee" should be "Floetzensee".
10815	2,3		Change "of document as other documents?" to "of the other documents as documents through regular channels?"
10816	2		"handled" should be "handed".
10817	14		"the test" should be "the tests".
"	15,16		"this test," should be "these tests,".
10818	15		"Ex. 84," should be "Book 84,".
"	16		"series of typhus experiments, 5" should be "series No. 5 of typhus experiments".
"	18		Insert "E.M." after "vaccine".
"	19		Delete "E.M."
10819	2		"would have been" should be "could have been".
"	7		Second word "oder," should be "order,".
"	8		Second word "of" should be "or the".
"	16		Insert "Q." before "Dr. Demnitz,".
"	21		"22 CC" should be "25 CC"
10820	7		Insert "(Editor's note: See Page 10830, lines 18-22.)" after "Yes."

Transcript	Page	Line(s)	PROPOSED CORRECTION
10820	15		"from Book 84," should be "in Book 84,".
10823	5		"vaccines tested" should be "vaccine tests".
10824	30		"No. IV," should be "No. 84,".
10825	18		Change period to comma after "disease". Continue sentence with "in the".
10826	8		Change "instructions" to "explanations".
10831	15		Add "a" after "opinion,".
"	31		"1942" should be "1940".
10833	6		"an enclosed circle" should be "a close circle".
"	9		Change "the inmates." to "the vaccinated persons."
"	27		Delete third word "have".
"	31		Insert "dysentery" before "vaccines".
10834	14		"occupied with" should be "occupied by".
10836	8,9		"that that was already told me" should be "and that has already been said to me".
"	14		"which had" should be "who had".
"	22		Change "assumption" to "ground work".
"	23		Place comma after "understand" and delete following word "it,".
10837	5		"protective" should be "protection".
"	11		Insert "were" after first word "here".
"	21		Insert "about" after "learn".
"	28,29		"disease." should be "diseases."
10838	16		"offices" should be "office".
10839	11		Change "from us," to "on our initiative,".
10841	7		"At that time," should be "At the time,".
10842	14,15		Delete "It was Dr. von Engelhardt. This vaccine was applied on these people." (not in the German.)

Transcript Page	Line(s)	PROPOSED CORRECTION
10843	7	Change period to comma and insert "meaning Lemberg." after "Poland".
"	9	Change period to comma after "then".
10844	1,2	Change lines 1 & 2 to read "producing the vaccine, according to the method of Cox, taking the embryo and the yolk tissue, etc."
"	22	Delete comma after "at all".
10845	1	"we kept" should be "we stayed with".
"	11	Place period after "his method". Insert "Cox prescribed to dilute the two ingredients in a 450 ccm. dilution. That produced more" before "and we could place".
"	19	"It seems, however that they" should be "As, however, they". Change period to comma after last word "that", and continue sentence with "they had" in line 20.
10846	4	Change "so that" to "but since it was based on it".
"	19	Insert "and orders." after "demands".
10847	22	Place period after "Mrugowsky. Begin now sentence with "Within".
"	30	"Now, after" should be "Now, when".
"	32	"then decided" should be "then decided".
10849	7	Insert "to the chemical institute Robert Koch," after "sent before".
"	9	Change "produced before," to read "available to you,".
"	23	Insert "from" after "you knew".
10850	3	"stadard" should be "standard".
"	4,5	Change lines 4 & 5 to read "four different vaccines to 30 to 35 persons in each case -- that is what I see from the Ding Diary -- who afterwards are under constant medical care."
10852	11	Insert "from" before "the fact".

Transcript Page	Line(s)	PROPOSED CORRECTION
10855	16	Change "of the co-workers or Scientific colleagues of client's" to read "of military perons or scientific colleagues of my client".
10856	19	"Ministry" should be "Minister". Place period and quotation marks after "Non-Aryan."
"	20	"and somewhat later" should be "And further,". Place quotation marks before "I turned".
"	24	Place quotation marks after "world."
"	25	"Page 20," should be "Page 22,".
10857	8	"Henri Michalson," should be "Henni Michalson,".
10858	6	Insert "Dr. Baldus," after "doctor,".
"	30	"with these charges concerning" should be "with the charges made by the Prosecution concerning".
10862	7	Insert "at Oppau." after "explosion".
"	20	"was in ruins." should be "was egein in ruins."
10863	15	"transferring the experiments on" should be "transferring of the experiments to".
10866	11	Change "operations." to "plants." and insert "I do not know for certain anymore." after same word.
10867	18	Change "field, especially, we had" to "field especially -- the inorganic field -- we had".
"	26	"a big chance" should be "a big change".
10869	9	Insert "5000" before "office employees".
"	28	Place comma after "quey".
10870	5	"of departments, production," should be "of production departments,".
10871	8	"shows departments" should be "of the departments".
"	34	Change "out of 37 people." to read "dating from 1937."
"	25	Insert "Thus" before "after".
10873	2,4	Change lines 2, 3 & 4 to read: "A. Yes. As I already mentioned, to a large extent this was a voluntary export; but it really grew into a demand, an understandable demand. 10403 (-41-)

(cont'd)

Transcript

Page Line(s)

PROPOSED CORRECTION

10873(cont'd)

2,4

Q. But at the head of different departments which were under your jurisdiction in your capacity as plant leader, you had special people in charge?"

" 15

Change "but every" to "and thus every".

" 23

"of a factory worker." should be "in a factory."

10877 22

Delete comma and insert "since" after "agency".

10878 16

"On that case" should be "in that case".

10879 16

"were those" should be "as to those".

" 17

Change semi-colon to comma after "War".

10880 9

"conversations" should be "conversation".

" 11

Place comma after "occasion". Change following word "which" to "and as".

" 20

Delete "gave me".

" 21

Insert "was given to me" before "as I describe".

10881 19

Insert "the book" before "was never".

10883 13,14

Change "of industrialists" to read "also of non-soldiers". Last words "in it." should be "in them."

10885 16

"testified of" should be "testified as to".

" 27

"give them" should be "give him".

10886 18

Delete "who" before "introduced".

" 25

"and where" should be "and which".

10887 1

"of that plant, started" should be "of a plant at Detroit, starting".

" 3

Insert "for" after "told that".

" 5

Change "the film brought up" to "the firm paid".

10888 22

"coverted" should be "converted".

10889 4

Change "to fulfill" to "to distribute". Also add "to American industry" after "peacetime".

" 29

"cut down" should be "cut along".

Transcript

Page	Line(s)	PROPOSED CORRECTION
10890	1	"got information" should be "sought information".
"	22	Delete "to me" after "explained".
10891	17	Delete "waited and I".
10892	8	"of summer," should be "or summer,".
10893	10	Last word "ere" should be "were".
10894	21	Change "would be appropriate" to "it would or would not be appropriate".
"	31	"in asking him" should be "when asking him".
10895	13,14	Change "the order was made, that the Commissioner appointing me, they didn't" to "the order appointing me Commissioner didn't".
"	21	"I will have" should be "I have".
"	22	"in the record," should be "into the record,".
10898	5	"Tribunal, by its order of reference," should be "Tribunal by its order,".
"	6	Delete first word "leave". Insert "can be obtained by his" before "making application".
10899	23	Change period to comma after "PS 2353C". Also change comma to period after "sorry". Begin new sentence with "It is".
"	26	Insert "a" after first word "work".
10900	7	Insert "was" after "size".
"	10	Insert "it" after "handled".
"	14	Delete comma and add "is mentioned," after "Russia".
"	15	"it says about" should be "it mentions". Insert "to the" after "Werlimont".
10901	14	Delete "assistance and" before "procedure".
"	16	Delete "economic".
"	20	"which has been" should be "which have been".
10902	1	"Isn't that" should be "Isn't it".

Transcript	Page	Line(s)	PROPOSED CORRECTION
10902	8		First word "were" should be "was".
"	12		Insert "He often spoke to me about that point." after "that point."
"	15		Change period to comma after "started". Change following words "In addition," to "contrary to all".
"	16		Place period after "office". Begin new sentence with "During".
"	17		Change second word "that" to "the workers". "been put again" should be "to be put again".
"	22		Second word "of" should be "or".
"	30		Last word "was" should be "were".
10903	23		Place comma after "asking you".
"	24		Place comma after "possibly can".
10904	1		Change "my question" to "my answer".
"	9		"Prosecution" should be "The Prosecution".
"	31		First word "in" should be "is".
10911	26		Insert "as in a liberal economy" after "market".
"	31		Insert "in 1932" after "depression".
10912	1		Change line 1 to read "unemployment, and in the course of 1938 expert workers".
"	2		"and there was" should be "since there was".
"	7		"Germany via Wuerttemberg" should be "Germany. Baden and Wuerttemberg".
"	11		Delete period and add "in our district." after "developed".
10913	13		"Some of the," should be "Some of them,".
"	26		"they can still" should be "they could still".
10915	1		"political" should be "non-political".
"	9		"and here, in the" should be "and, in the".
"	10		Add "here." after "further" at end of line.

Transcript

Page	Line(s)	PROPOSED CORRECTION
10 915	18	Change period to comma and add "1945." after "May".
10916	22,25	Change lines 22 through 25 to read "houses. In this situation, many of the people of Ludwigshafen—the city Ludwigshafen had at that time about a third of its 150,000 inhabitants — had fled to our protection into the shelter of our plant, with their women and children."
"	26,27	Change lines 26 & 27 to read "Within the plant I had the facilities for supplying electricity, gas and water still in operation, as a large part of Ludwigshafen."
10918	3	"had a flood." should be "had fled."
"	24	"Rhodes," should be "Rhoads,".
"	25	"When the control officer" should be "When the plant control officer, Captain Marshall,".
10919	5	Change question mark to comma after "1945" and complete question with "the day of the American order for confiscating Farben?".
"	22	First word should be "How".
10921	4	Insert "internationally" after "very old".
"	11	"1943," should be "1843,".
"	15	Change "in the course of the war," to read "concerning aggressive war,".
10923	5	Change line 5 to read "Q. When you joined the Vorstand and the TEA in 1938, did these".
10924	19,20	"maneuvers," should be "map games,".
"	28	"This is" should be "These are".
"	29	"171," should be "Exhibit 181,".
10925	8	"thousand marks." should be "million marks."
"	20	"the first time" should be "before this time".
"	31	Change "to produce at all." to "to produce in case of emergency,"
10928	4	"factory around this factory; subsidiary" should be "factory and around this factory grow subsidiary".

Transcript

Page	Line(s)	PROPOSED CORRECTION
10928	11	Change "out plant." to "our plant in the Palatinate."
"	17	"in the matter" should be "in a letter".
"	18	Insert "to the Vermittlungsstelle W" after "Economics".
"	30	Change "my people had" to "my experts on mobilization questions had".
10929	19	Insert "from Ludwigshafen" after "Dr. Moll". Place period after "discussion" and delete following words "about Ludwigshafen."
10931	3	"for him" should be "for his".
10932	14	"NI-7128," should be "NI-7125,".
"	16	"Exhibit 230," should be "Exhibit 232,".
10937	12	Delete first word "if" and insert "that" after "concluded".
"	14	Change "which was recorded at" to read "record concerning".
"	21-22	Change from "had been" in line 21 through line 22 to read "had been discussed in the draft under Roman Numeral XIII at".
"	23	Change "1949 could" to "1939 which could".
"	30-31	Change line 30 through "approval" in line 31 to read "he wanted to give us a free hand in spite of the fact that neither the Reich Minister of Economics nor the OKW had given no approval".
10938	3	Insert "more" before "important".
"	4	Change first word "which" to "than". Insert "of 3 September" after "telegram".
"	8	Insert "of 3 September" before "was to be".
"	22	"Than can be" should be "That can be".
10939	5	Insert "hundred" before "square meters,".
"	25	Insert "field of" before "sulphuric".
"	26	Change line 26 to read "as far as it concerned Farben. From 1934 on besides being manager of (b)(3)(-46-)

Transcript

Page	Line(s)	PROPOSED CORRECTION
10939 (cont'd)	26 (cont'd)	the inorganic department at Ludwigshafen."
10940	8-9	Change from "Therefore," in line 8 through line 9 to read "Therefore, there was a certain tradition for it at Ludwigshafen."
10941	4	Place comma after "Synthetics" and delete following word "in".
"	12	Insert "and" before "they needed".
"	14	Change last word "field?" to "district?".
"	15	"processes" should be "process".
"	22	Change "Yes, I understand." to "As a whole."
"	26	Insert "from this occasional technical cooperation". after "believe that."
10942	15	"status of the first of September 1943" should be "status as of the first of April 1943".
"	24	Change "deadline," to "1st of April,"
10943	21.	"used up pyrites." should be "residue pyrites."
10944	17	"in 1943?" should be "in 1944?"
10946	19	Change "this charge," to "this chart,". Also change "to interrogate" to "to ask".
"	20	Change "on it and explain" to "to explain".
"	24	Delete second word "four". "this inner circle" should be "these inner circles".
"	26	Insert "in 1936" after "tons".
10947	23	Insert "and acted with reserve." after "percentages". Begin new sentence with "When these figures".
10948	2	Change "its overall production;" to "its production of this product;".
"	3	Insert "years of" before "a progressive".
"	29	Insert "eight" before "point four".
10949	8	"1938," should be "1948,".
"	12	Place comma and insert "which I personally do not know at all," after "plants".

Transcript

Page	Line(s)	PROPOSED CORRECTION
10949	14-16	Change from "properly" in line 14 through line 16 to read "properly that the sulphuric acid figures include all safety explosives for mining, for road construction, and for the numerous reconstructions in the big cities."
10950	9	"if much" should be "is much".
10952	19	"from the other field," should be "from other fields,".
"	28	Change period to dash after "increase". Also change last word "The" to "that here".
10953	27	Place quotation marks after "production."
10954	22	"sales filed" should be "sales field".
"	29	"in our sales," should be "by our sales,".
10955	1	"page 29 of my affidavit." should be "page 21 of Book II, that is, my affidavit."
"	21	Second word "cellouse" should be "cellulose".
10956	5	"Doebe" should be "Doeberitz".
10957	2	"page 26" should be "page 28".
"	8	"procedd" should be "process".
"	18	"charactics" should be "characteristics".
"	24	Delete "had been demanded".
10958	1	Insert "foreign" before "pyrite".
"	2-3	Delete comma after "documents". Change following words "that my attitude was opposed at the time." to read "that I held a disapproving attitude."
"	4	Add "Naturally the raw material gypsum was of interest to us because it was available in Germany." after last word "price."
10959	2	Change "Wolfen?" to "gypsum?"
"	12	"any oleum." should be "any cleum there."
"	18	Change "St-Paul." to "St-Gebein."
"	19	Change "production" to "construction".

10403 (-48-)

Transcript Page	Line(s)	PROPOSED CORRECTION
10960	24	Insert "lies" before first word "in".
"	28	"and the Ruhr." should be "then the Ruhr."
10961	8	First word "Is" should be "As".
"	17	Delete "that time".
"	24	Change "number." to "amount."
10962	4	Change "approximately" to "obviously".
"	9	Change "September" to "December".
"	24	"purchase of" should be "purchase through".
10963	8-9	Change from "and that the" in line 8 through line 9 to read "and that the contracts on pyrites that were due should be smaller ones. That was decided at the time."
"	10	Delete "That was decided at the time?"
10964	14	Change "I.G. Farben industry," to "cellulose industry,".
"	21	Change "pyrite" to "sulphuric acid".
10965	5	"agencies." should be "agents."
"	19-20	Place semi-colon after "measures". Change following words "for a time; that is true. when" to read "at a time, it is true, when".
"	21	Change comma to semi-colon after "enemy". Change following word "actually" to "thus".
"	22	Change period to comma after "theoretical" and complete sentence with "this attempt."
"	24	Change "XXXVIII, there is reference to" to read "37, Dr. Struss refers to". "and it says" should be "and says".
10966	28-29	Change from "Sauerstoffwerke" in line 28 through line 30 to read as follows: Sauerstoffwerke and I quote: "to that effect as indicated in the second paragraph of the circular of the 23rd of May of the Vereinigte Sauerstoffwerke."

Transcript Page	Line(s)	PROPOSED CORRECTION
10967	12	Change "Troyes" and Lorraine." to read "Dieuze in Lorraine."
10968	7	Change "Ludwigshafen." to "Diedenhofen."
"	16	Change "this matter." to "our plant."
"	31	"Condt" should be "Conad." Delete "(sp?)".
10969	25	Delete period after "recollection" and change rest of line to read "of this occurrence, which was witnessed from the periphery through these two letters."
"	27-28	Change "informed us of the course of events." to read "informed me of the course of this matter and I did not take part in later discussions."
10970	5	"of Inorganic" should be "as Expert for Inorganic".
"	18	Change line 18 to read "Concern, of the Zellstoff Concern, and of the Metallgesellschaft, made such trips, just to give a few examples."
"	26	Insert "made for the first time several" after "draft".
10972	23	"page 25." should be "page 26."
"	29	Place comma after "month to month". "the development" should be "the numerical development".
10973	22	Third word "cleared" should be "blocked". Change period to comma after "foreigners". Continue sentence with "as long as".
"	23	Change comma to period after "best". Change "one considered that" to read "One can see, if I may say so, that".
"	29	Complete line 29 to read "A. No. These too were not sent to us for the reason I mentioned."
10974	21	Insert "out-of-town" after first word "the".
"	22-23	Change from line 22 through "I have" in line 23 to read "In these out-of-town workers we counted all who come from outside of the Palatinate and who lived in the community camps at our plant. I have".

Transcript Page	Line(s)	PROPOSED CORRECTION
10974	24	Change "did not live within the plant" to read "were assigned to us during this period".
"	31	"document," should be "documents,".
"	32	Change "that is a record of 21 August" to read "which is a record of a directors' meeting of 21 August".
10975	1	Change line 1 to read "1941, and which was offered by the Prosecution itself. The Prosecutor cited, and".
"	6	Insert "including 5,000 foreign workers" after "10,000".
"	13	"auswertig" should be "auswaertig".
"	14	"of the place." should be "in the Palatinate."
10977	3	"would we" should be "would be".
"	5	Insert "at that time." after "have had".
"	17	Insert "foreign" after "voluntary".
10979	19	Place period after "increasing". Delete following words "in spite of that fact."
10981	12	"legal provisions" should be "legal provisions".
10982	9	"they do today." should be "is done today."
10982	25	"fiction" should be "resistance".
"	26-27	Change "to exert all one's influence," to "to be ready to sacrifice one's self,".
10983	8	Change "too many foreigners" to read "a far too small number of foreigners".
"	13	Delete quotation marks after "Remarks,". Place quotation marks after last word "Hoffmann".
10984	11	Change "necessary," to "forced on us,".
"	15	"1943" should be "1933".
10985	11	Insert "that" before last word "the".
"	13	Change "bank, that they came" to bend, came".
"	20	"a number" should be "the number". 403(-51-)

Transcript Page	Line(s)	PROPOSED CORRECTION
10986	30	Delete last letters "sup-".
10987	1	Delete "erior" at beginning of line.
"	2	Change "so that they were eble" to "to allow them".
"	11	Insert "Document MI-6315," after "Exhibit 1339,".
10988	25	Change period to comma after "the war" and complete sentence with "and you are going to offer a contemporary document concerning this point."
"	27	"our Department" should be "our departments". "are in order that is" should be "were in order. That is".
10989	3	Insert "how" after "Wurster,".
10990	29-30	Change from "This is not" in line 29 through line 30 to read "This is to be found — I ask your indulgence — in Book IV, Your Honors, on".
10993	22	Change "That is in Book 3 on page 39." to read "That is an appendix to the affidavit in Book 3."
10995	Pagination	Page numbered 10994 beginning with "infants, and at the bottom" should be renumbered 10995.
10997	29	Change "the type" to "the organization".
10998	6	"I again" should be "It again".
"	17	Place period after "to you ". Begin new sentence with "It is".
"	20	Insert "in" before "what manner".
10998	24	Place comma after last word "tendency".
10999	5	"itself" should be "themselves".
"	6	Last word "forth" should be "for".
11000	6	Change "of 1943 and, therefore, the many" to read "of 1942 and then it was built up, and the many".
11001	11	Change "outside. Also, the German" to read "outside, i.e. the foreign and German".
"	20	"we hand" should be "we had".

Transcript Page	Line(s)	PROPOSED CORRECTION
11002	16	Delete "fortunately,".
"	18	Insert "fortunately" before "remained".
"	23	"my document" should be "my documents".
11003	10	Insert "(Editor's note: See page 11004, lines 23-27)" after first word "camp".
11004	6	"the past four" should be "the next four".
"	8	"were transferred" should be "were to be transferred".
"	11	Insert "voluntarily" after "registered".
"	14	Change "did not release" to read "wrote to the Weissen-SS that we would not release".
"	18	Insert "Blanc" after "worker".
"	22	Insert "handled" after "having", and delete "hendled" after "matter."
11005	2	Insert "per year" after "Millions".
"	19	Change "disposition" to "work discipline".
11006	11-12	Change from "workers" in line 11 through "It was" in line 12 to read "workers for disciplinary reasons would not be accepted by the authorities. It was".
11007	4	"Exhibit 235 about a" should be "Exhibit 1335 a".
"	5-6	Change from "over." in line 5 through "because" in line 6 to read "over, a reference concerning, aside from the questions of foreign workers, the question of Germans, because".
"	9	"and German." should be "or German."
"	17	"about it" should be "about them".
11009	24	"when I say:" should be "when I quote:".
11010	1	"has to do" should be "was".
"	8	"I must how" should be "I must now".
"	21	Insert "Special orders were issued for these people." after line 21, as last sentence of answer.

Transcript	Page	Line(s)	PROPOSED CORRECTION
11012	10		Insert "to" after "procedure".
"	16		Delete second word "I".
11013	15		Delete last word "only".
"	16		Change "such documents in cross examination," to read "such documents, not cross-examination documents, but only such".
"	19,20		Change lines 19 & 20 to read "whether it is necessary that we make an objection against any such document."
"	22		Delete second word "or".
11014	10		"of phrase" should be "or phrase".
11015	24		"required" should be "require".
"	32		"If we will," should be "We will,".
11016	1		Delete "we will" before "afford".
11017	25		"it would be distrubance." should be "it would cause any disturbance."
" & ff	29&ff		"Vlajic Predrag" should be "Predrag Vlajic".
11022	1		Insert "There was a pert for evening visits." after "tables."
11024	25		"the, you" should be "then, you".
11026	3		Insert "it" before "was good".
11030	20		"the car os sick" should be "the care of sick".
11031	13,14		Change "and excavated the shelter." to "did the excavating work."
"	30		Change end complete "during an air-raid." to read "during free-time to go to the Autobahn bridge near the Rhine and to seek safety there during the raids."
11032	22		Insert "in" before "no place".
"	27		Insert "one fold of" after "open".
11033	2		Insert the following after line 2 and before line 3: Q. Does the drawing correspond to your recollection? A. Yes.

Transcript		
Page	Line(s)	PROPOSED CORRECTION
11034	6	"one case," should be "this case,".
"	18	Change line 18 to read "A. In other camps, in other cases, incidents:"
"	27	Change "in regard to the materials," to read "to have the necessary materials,".
11035	11	"I do not." should be "I did not."
11037	7	Add "and happy" after "vivid",
11038&ff	5&ff	"Mr. Predrag," should be "Mr. Vljajic,".
11041	7	Insert "that" before last words "if the".
11043	10	Place quotation marks after "question."
"	23,24	Change from "treatment" in line 23 through line 24 to read "treatment which might eventually be of interest to a Court."
11046	16	Insert the following sentences after line 16 and before line 17: Q. Shortly after the outbreak of the war? A. Yes, that is my recollection.
11047	8	Change "easier than wood." to read "better than wood, because of the many fires."
"	11	Second word "here" should be "there".
"	14	Insert "never" before "experienced".
"	20	Change "what I needed." to "the beds I needed."
"	24	Change period to comma after "epperatus". Continue sentence with "of course".
11049	10	Change "with any machinery," to read "against machinery or strong buildings,"
"	11	Change line 11 to read "air and can destroy a wooden wall at the utmost. Most of the".
"	13	Insert "which was covered by earth at the entrance." after "trench".
11050	6	"prisoner" should be "prisoners".
11051	17	"and other" should be "and others".

Transcript

Page	Line(s)	PROPOSED CORRECTION
11051	31	"highly as" should be "as highly".
11053	10	"managers; meeting" should be "managers' meeting".
11054	10, 11	Change from "We didn't" in line 10 through line 11 to read "We didn't transport any ammunition nor any arms, nor material for the fighting forces."
"	19	"ordinary plants." should be "permissible plants."
"	22, 23	Delete "or production work".
11055	1	"NI-3782-A" should be "NI-3761-A, ".
"	9	Change line 9 to read "Q. You said intermediate position?"
11056	1	"incorrect;" should be "false;".
11057	3	Insert "against us" after "hatred".
11058	17	"Exhibit 1353," should be "Exhibit 1343, ".
11059	1	Delete "was" after "rate".
"	2	"they made" should be "we made".
11060	6	Delete "the" before "Oppau".
11068	23	Delete "those" before "Ludwigshafen".
"	24	Delete "that we must get together, and".
11069	18	Delete "it" before last word "with".
"	23	Insert "which is also" after "his work".
"	24	Delete "and a certain staff was working for him".
11070	16	"usage." should be "custom."
11071	5	Insert "He introduced himself to me here." after "first time."
"	9	"my field of work was restricted." should be "I was restricted to my field of work."
11073	3	Insert "in" after second word "not".
"	12	Change "use them in" to read "get them out of".
"	17	"is correct in referring" should be "is it correct to refer".

Transcript Page	Line(s)	PROPOSED CORRECTION
11073	20	Change "the newspapers" to read "the Gestapo".
"	22	Delete "issued".
11074	2	Change "was temporarily not being used." to "were temporarily not fit for use."
"	7	"control" should be "controls".
"	9	Delete "that".
"	22	Change "refllief" to "duty".
"	23	"reported it" should be "made a report,".
"	24	Delete "who were".
11075	18	Last word "It " should be "There".
"	19	"of the order," should be "of order,".
11076	24	Insert "these" before "pictures".
11077	14	"will have" should be "want to have".
"	16	Change "shown" here as to inhabitants." to read "as seen by the inhabitants."
"	17	"sofer as Wurster's" should be "as to Wurster's".
"	18	"exhibits, put in sofer," should be "exhibits offered sofer,".
"	22	"I think it" should be "that it".
11078	25, 26	"were of the picture" should be "a picture".
11079	23	"collaborationist" should be "collaboration".
"	24	Insert "the" after "namely".
11080	3	Add "but" after "Salutes,".
"	7	Insert "only" after "understand".
"	21, 25	Change from "exhibit" in line 22 through line 26 to read "exhibit, the number of which I don't remember, and the one you showed me which is a true publication of our plant. The newspapers to which this one also belongs were printed by outside sources and it was probably the affair, as you rightly described, of the Labor Front. We had no influence on that."

11080	28	Change line 28 to read "it was a publication of the Gormen Labor Front and that probably is in substance".
"	29	Delete "the effect of".
"	31	"or be undignified" should be "nor had been undignified".
11081	1	Change "I would have put it that way." to read "I don't believe it ever happened."
"	9,10	Change "and any other word in" to read "but with another part of".
"	21	"this man" should be "these men".
11082	9	Change period ^{to comma} after "time" and complete sentence with "and declined hand in hand with our labor power."
11083	2	Change "if ever we could do so." to read "in any way."
"	4	Change "followed with the development" to read "bound with the decline".
11084	1,3	Change lines 1, 2 & 3 to read "inquiries that is, as to where the Dutchmen has gone, it was an affair of the Labor Office, but that does not mean that it was the practice of our plant to report absences to the Labor Office."
"	5	Delete "up" after "headed".
11085	12	Insert "that was our duty," after "quote,".
"	24	Delete "up" after "was full".
11086	5	Place dash after "workers".
11087	1	"had not been" should be "has been".
11089	7	Insert "if" before "the Labor Office" and change period to comma at end of line after "requirement".
"	8	Delete first word "But,"
"	14	"April 1943," should be "30 April 1943,".
"	17	"to weeks" should be "two weeks".
"	22	Add "I did not deny it." after "that."
11090	25	Change period to comma after "matter".

Transcript

Page	Line(s)	PROPOSED CORRECTION
11091	25	Add following sentence "Anyhow, it did not belong to my scope of activity." at end of paragraph to complete answer.
"	29	Insert "in" after "official".
11092	2	"in that letter," should be "in a letter,".
11093	9	Place comma after "paragraph".
"	10	First word "pluc" should be "plus".
"	24	Insert "of whom you reminded me, and" after "Dr. Luer,".
"	25	"at the other occasion" should be "in the other connection".
"	26	Insert "that had preceded with Dr. Luer was not an official conference" after "The conference".
"	27	Second word "by" should be "with".
"	28	Insert "to the best of my recollection," before "in connection".
11094	8	"had been sent" should be "had been seen".
11095	1	"the documents." should be "the document is."
"	14	"of any other" should be "to any other".
11096	1	"That is my observations" should be "My observations".
11098	4	"pretest" should be "pretext".
11101	22	"If another part of Chemistry" should be "If a part of inorganic chemistry".
11105	7, 10	Delete entirely lines 7, 8, 9 & 10, as repetition.
"	29	Insert "from the Accounting Department." after "letter".
11106	2	"Under Dr. Struss" should be "to Dr. Struss".
"	21, 22	"wrote" and "written" should be "signed".
11107	3	Change "department within it for Farbon;" to read "section within it for Farbon as a whole;".
"	4	Insert "for Farbon as a whole," after first word "coal". 10403 (-59-)

Transcript

Page	Line(s)	PROPOSED CORRECTION
11107	5	Complete paragraph with sentence "Another plant had to deal with something else, all according to tradition; we respected the past."
"	15	Delete "up to" before "the war,".
11109	8,9	Change period to comma after "responsibilities". Change following words "For instance," to read "just as I".
"	16	"directly a visitor" should be "a regular visitor".
11110	2	"because up to the end of 1937 my predecessor," should be "up to the end of 1937 because my predecessor,".
"	7	Delete "that" after "Suppose".
"	12	Change period to comma and insert "a field I understand very little." after "committee".
11111	21	Change "us in such a manner that they were contracts" to "us as contracts".
11112	8	Change "the points of the West Wall you mean." to read "the different points of the Western frontier."
"	9	"The next" should be "The nearest".
"	22	"At a Vorstani" should be "At the Vorstend".
11113	2	"formulat" should be "formule".
"	9	"for the last considerable time has been" should be "for a considerable time now has been".
"	21	Delete "in the Vorstend".
"	29	Change "Russia" to "Aussig".
11114	24	"I only remember" should be "Thus I remember".
"	25	Third word "and" should be "as".
11115	5,6	Change lines 5 & 6 to read "A. I believe I cited an example of such a discussion during my direct examination, in which Mr. Moll was interested in".
"	8	Add "That is an example of such a discussion." after "Mob case."
"	19	Delete "hundred" before "million".

Transcript

Page	Line(s)	PROPOSED CORRECTION
11115	25	"with thoughts" should be "with the ideas".
"	26	"were called" should be "I called".
"	28	Insert "not" after second word "that".
11116	14	Change "The pharmacists" to "The farmers".
"	16	"a book." should be "a boom"
"	28	Insert "such" before "a document"
11118	2,4	Change from "cellar" in line 2 through "Air Raid" in line 4 to read "cellar which was supported with beams and rafters, any such cellar was designated as an air raid shelter, and we reported the highest possible number to the Air Raid".
"	6	Change "I would so" to "would happen".
"	7	Change "Ludwigshafen," to "the outbreak of war,".
"	8	Change line 8 to read "think went back to 1934, but I don't know for certain any more and there were people who actually had some interest in it".
"	10	Change period to comma after "in it". Change following words "It only came up during the war." to read "at least, until war time."
"	14	"is simple" should be "as ample".
"	18	Change line 18 to read "observe in good faith, as they have done up to now, and keep".
"	26,27	Change from "presentation" in line 26 through line 27 to read "presentation of questions for the examination of a defendant or a defendant's witness,".
11119	3	"the direct examination may be" should be "the fact that the direct examination can be".
"	4,5	"that arbitrary time." should be "the arbitrary time limit."
"	13	"Mr. Prosecution," should be "Mr. Prosecutor,".
"	14	Insert "session" after "informal".
"	16	"may of them," should be "many of them,".
"	19	"—the Prosecution" should be "for the Prosecution—".

Transcript	Page	Line(s)	PROPOSED CORRECTION
11119	21		Add "to have" after "stage,".
"	22		Insert "to" after "extent".
11121	23		"or from representatives" should be "or your representatives".
11122	5		Change line 5 to read "circumvent this constant friction because we had not made".
"	15		Insert "again" after "shows that".
11123	10		"in barbwire" should be "within a barbwire".
"	15,16		Change "it shows there that we had" to read "was it made and it shows that we had".
"	17		"and shows all" should be "and there are all".
"	18		Complete answer with "At any rate, there was never a barbed wire fence."
"	19		Delete "At any rate, there was never a barbwire fence."
"	24		Change "concerned" to "proves".
"	30		Insert "perhaps together with Mr. Laor, I don't know," after "experts,".
11124	23		"in the fund" should be "and apparatus".
"	29,30		Change "on the event of air attacks, then that is a fact, on the" to read "on the effect of air attacks, then these were the".
"	32		"80,000 or 28,000 tons" should be "17 or 28 tons".
11125	1,2		Change "those stories were not true," to read "those short stories had no connection with this matter,"
"	5		Insert "in a meeting already held," after "Committee".
"	8		Insert "Especially on this trip concerning the Berate plant," before "I was not".
"	9		Delete "until my trip,". "were also there," should be "were already there,".
"	13		"chemical side," should be "chemical plants in Poland,".
"	15		Change "after" to "before" after "weeks".

Transcript Page	Line(s)	PROPOSED CORRECTION
11125	18	"of October" should be "or October".
"	20	Change "it is to say," to "that was".
"	21	"referred to" should be "with reference to".
"	24	Change "concerned the same," to "were once quoted".
"	27	"I didn't remember" should be "I don't remember".
"	29	Change "to the present time show that" to "as the attendance list shows,"
"	30	Change "details what it was" to read "details as to what was decided".
"	31	Change "the Party" to "the group of persons".
"	32	Change "that is about" to read "that no mention was made about".
11126	1	Place comma after "discussed". Delete following words "in which no mention was made of it,".
"	3,4	Change from "That is" in line 3 through line 4 to read "I cannot remember anything specific."
"	6	"No. 2818" should be "No. 2118".
"	15,16	Change lines 15 & 16 to read "here, I should like to put to you in the following question: It says here after enumerating the workers, 'Special knowledge' and then I cannot read". Enclose "Special knowledge" in quotation marks.
11126	20	Delete "in that way".
"	21,22	Change from "imagine" in line 21 through line 22 to read "that this request was put by us. I cannot remember that we could put such a request to the Labor Office."
"	25,26	Change lines 25 & 26 to read "Q. Don't you think it is a form, and that the essential items are filled in by typewriter, and that since it goes under the firm, this is directed to the".
"	30,32	Change from "Now most" in line 30 through line 32 to read "According to its size, it is a government form; it is unknown to me, and as to what government filled in, I cannot answer why or how."

Transcript

Page	Line(s)	PROPOSED CORRECTION
11127	4	"I will tell" should be "I cannot tell".
"	16	"I want" should be "I wanted".
11128	3	Change "DR. SCHULZ:" to "Dr. MUELLER:".
"	19	"has been placed" should be "was placed".
11129	12	"affilevit" should be "affidavits".
"	15	"understood" should be "understood".
"	16	Insert "to their right" after "prejudice".
11130	12	Insert "— the second case, Kester, will come up on Monday—" after "Kester".
11131	25	Change "Your witness." to read "Thank you. I have no further questions."
11132	27	Change "I had to find out that this was the point" to read "I found out that matters had come to a point".
"	30	"a jour fix" should be "à jour fixe". Place quotations marks before and after same words.
11133	25	"if he were" should be "when he was".
11135	29	Add "it" after "I discussed".
11136	19	Delete "I would take up more time." Last word "In" should be "in".
"	32	Insert "called Kaufmannischer Ausschuss." after "Committee".
11137	19	Insert "more completely" after "minutes or".
11138	18	Change line 18 to read "we needed the very weight of such a formulation or demonstration in the use, or in this case misuse, of the name of Schmitz. It".
11139	4	"and you say" should be "as you say".
"	5	Insert "level," after "policy".
"	6	"who do you know" should be "how do you know".
"	13	Change line 13 to read "A. That I know not. I wanted to go on to say".

Transcript

Page	Line(s)	PROPOSED CORRECTION
11140	21	"resinging" should be "resigning".
11141	15	Change comma to semi-colon after "questions".
"	25	"you were discussing" should be "you discuss".
"	28	"who have been" should be "who had been".
11142	11	"in the individual case." should be "in their individual cases."
11145	23	"can count" should be "can be counted".
11146	26	Change "concerning" to "of".
"	27	"or principle a matter settled" should be "by principle a matter to be settled".
"	28	"or by its manager?" should be "and by its manager?"
11147	10,11	Change from "non-Aryans," in line 10 through line 11 to read "non-Aryans, without legal written notice and other protection of the employees?"
11150	1,4	Change from "Was there" in line 1 through "was it" in line 4 to read "Was there a pressure on the part of I.G. so that they were not reelected or were they influenced by some other kind of pressure by legal means, or otherwise, or was it".
"	25	Delete "not" before "directly".
11151	2	"providing" should be "to provide".
11152	2	Change entire line to read "MR. AMCHAN: I object against this question as being leading, and suggesting answers to the witness.
11154	9	Insert "barely" before "remember".
11156	26	Change "that is right" to "he retired."
"	30	"I can't remember" should be "I remember".
11162	19	"has not" should be "has now".
11166	21	Delete last three words "to this year".
"	22	Insert "to this year." after "applies".
11167	1	"to leave" should be "to keep".

Transcript Page	Line(s)	PROPOSED CORRECTION
11167	18	Delete "from there".
11169		Pagination: Correct pagination of page numbered "11172" to "11169".
11170		Pagination: Correct pagination of page numbered "11171" to "11170".
11171		Pagination: Correct pagination of page numbered "1170" to "11171".
"	27	Insert following answer after line 27 and before line 28: A. No. Prof. Leutenschlaeger know of his own accord that he was to get in touch with Prof. Krauch.
11172		Pagination: Correct pagination of page numbered "11169" to "11172".
"	18	Change "for efforts of the war," to read "during the war,".
"	23	Insert "which we designated as softeners" after first word "hand".
11174	"3	"knowledge in special" should be "special knowledge".
"	15	Change line 15 to read "out what agency according to your opinion saw to".
"	16	Change "kept." to "retained."
11174	22	Insert "from" before "Professor".
"	23	Place period after "Krauch". Change "because if when he had" to "Because if I had".
11177	28	"the effect of the court not admitting one" should be "the event the court does not admit one".
11181	1	"it is called" should be "the committee called".
"	2	Insert "of the Adolf Hitler Fund" after "Committee".
11182	4	Delete "He and Herr Krupp together."
"	25	Insert "Office of the" before "Central Committee".
11183&ff	3&ff	"War Economy Council" should be "Military Economy Council".

Transcript	Page	Line(s)	PROPOSED CORRECTION
11186	32	"has to go." should be "has gone."	
11188	17	Delete "to say".	
11189	6	Delete comma after "before".	
"	28	"10 and 7,000 Marks," should be "10,000 and 7,000 Marks,".	
11191	14	Place comma after "Schmitz".	
11192	3,5	Change from line 3 through "six months" in line 5 to read "Q. In other words, your testimony that the two gentlemen met twice a week must be limited with the exception of the six months".	
"	18	Change line 18 to read "(assis)tence. Whenever there were meetings with the Aufsichtsrat, they would".	
11193	19	"all of it." should be "all of them."	
"	21	Change "When you describe" to read "I am not interested in". Change comma to period after "destroyed".	
11196		Pagination: Page numbered 11197 and beginning "BY MR. AMCHAN:" should be renumbered 11196.	
"	5,6	"that you gave" should be "when you were given".	
"	11	Change line 11 to read "but it is not say 'SS' account."	
11197	31	Delete first word "making".	
11198	30	Insert "CIA" before "negotiations".	
11201	3	"We must also" should be "We would also".	
11202	19	Change "French" to "foreign".	
"	31	"of your report." should be "of the exhibit."	
"	32	Insert "must have" before "met before".	
11203	1	Change line 1 to read "that Vorstand meeting because otherwise no such report could have been made."	
"	6	"Exhibit 1136," should be "Exhibit 1133,".	
"	10	Add "and to run the Boruta company by way of a trusteeship." after "company", to complete the quotation.	

Transcript	Page	Line(s)	PROPOSED CORRECTION
11203	16		Insert "meeting" after "Vorstand".
"	17		Add "in the same Vorstand meeting." after "Committee".
11204	6,9		Change from "that is why" in line 6 through line 9 to read "that is why we technicians always talk about things which we actually have seen. That is the case as regards details. Naturally we discussed the rough outlines of the problems that occupied him and which interested me simply because of their chemical character."
11205	3		"at a construction" should be "at the construction".
11207	8		"No. 176," should be "No. 175,".
11208	1		First word "one" should be "people".
11209	27		"Document 26" should be "Document 236".
11210	9,10		Change lines 9 & 10 to read "he was overwhelmed by his new duties after that date and how he mastered them."
11212	15		"in 1945." should be "in 1940."
"	16		"Document 595" should be "Document 594".
"	21		"Corstand" should be "Vorstand".
"	25		"Document 249" should be "Document 246".
"	26		Insert "He describes Dr. Wierster's activity as a member of the Aufsichtsrat of the Sueddeutsche Holzverzuckerungs A.G. from 1940 or 1941 on. Our Document 133 will become Exhibit 37. This is an affidavit by Dr. Ernst Kamm, member of the Vorstand of the Walzmuehle A.G. at Ludwigshafen, of 2 January 1948." before "The witness describes".
11213	1		Insert "newly" after "of the".
"	5		"and the Chemical" should be "of the Chemical".
11214	3		"Orstgruppenleader" should be "Orstgruppenleiter".
"	20		Change last word "there" to "Speer".
"	27		Change "the mobilization decree" to "the demolition decree and is".
"	28		"and after" should be "one after".

Transcript	Page	Line(s)	PROPOSED CORRECTION
11215	25		Change colon to period after "Hobert".
"	26		Change entire line to read "here as Document 540, as to do with feeding prisoners of war."
"	27		Change entire line to read "JUDGE HEBERT : Will you please have us supplied with the correct copies?"
"	29		"we ask" should be "we asked".
11216	6		"Manager" should be "Management". "and Dr. Wurster," should be "signed by Dr. Wurster,".
"	7		"Lorenz," should be "Dr. Lorenz,".
"	22		Insert "conditions and of the" after "picture of the".
"	23		Change "and I do not think it will" to read "which in its significance will not".
"	25		"Document 187," should be "Document 197,".
"	26, 29		Change from "Dr. Timm" in line 26 through line 29 to read "Dr. Timm was present when General Order No. 2 of 5 July 1945 was presented by American officers, and states that Dr. Wurster was kept as responsible manager of the Ludwigshafen-Oppau Plant."
11217	1		"of May, 1947. The 2000" should be "of April 1947. The 20,000".
"	10		Change "this council." to "this demonstration of sympathy."
11218	16		Insert "Erich Lohl," after "affidavit of".
"	18		"costs of the important products" should be "of the civilian products".
"	19		"three quarter list of 1939" should be "three-quarter of 1939."
11218	26, 27		Change from "It is" in line 26 through "Dr. Wurster" in line 27 to read "It is page 24. It shows the entire cooperation, supported and led by Dr. Wurster".
"	29		"Me. Meyer" should be "Max Meyer".

Transcript Page	Line(s)	PROPOSED CORRECTION
11219	18, 19	Change lines 18 & 19 to read "chief channels were fertilizers, artificial fibres, and other normal chemical productions."
"	21, 22	"23 of January 1939" should be "30th of June 1939".
"	24	Change line 24 to read "proves and points out the enormous consumption of sulphuric acid for cellulose wool."
"	32	"March 1947" should be "March 1937".
11220	10	Insert "to" after "substance".
"	11	"as Prosecution 1940." should be "as part of Prosecution Exhibit 1940."
"	25	Last word "tjet" should be "that".
"	27	"of our other" should be "of your other".
"	29	"shortages and" should be "shortage".
11221	15	"before 1933." should be "from 1933 on."
"	21	"1947." should be "1937."
"	26	"1943," should be "1934,".
11222	1	Change "the Farben will come about" to read "Farben is necessary".
"	2	Change "Farben" to "steple fiber".
"	10	Change line 10 to read "that a very economical production had been chosen at this place."
"	11	"document 607 and excerpts" should be "document 607, Exhibit 63, is an excerpt".
"	12	"10 April 1939" should be "10 January 1939." The following words "It was" should be "It is".
"	14	Delete "exhibit 63 and the".
11223	15	Insert "at that time." after "Spain".
"	16	"to effect" should be "to effect".
"	17	"have already been exported." should be "had already been exported to Spain."

Transcript	Page	Line(s)	PROPOSED CORRECTION
11223	25		Change "in its English" to read "in the index of the English".
"	26		Insert "contracts for" after "in future".
"	29		"document 5075" should be "document 575".
11224&ff	20, 21 &ff		Change "industrial group chemical industry." to "Economic Group Chemical Industry."
11224	32		Second word "to" should be "so".
11225	4		Place period and quotation marks after "unpolitical". Delete following words "after 15 June 1944."
"	8		Change dash to period after "Exhibit 78". Complete paragraph with "This is an affidavit by Dr. Pohlend of 2 January 1948."
"	13		Change period to comma and insert "as I believe it says in the English text." after "1943".
"	17		Change period to comma after "decisions" and complete sentence with "and never acted as expert."
"	19, 21		"industrial group chemical industry" should be "Economic Group Chemical Industry".
11226	16		Change "the report, NI-1149," to read "the left of notes, contained in NI-1149,".
"	30		First word "silk" should be "silk".
11228	2		"Angelo" should be "Angèle".
"	8		"The contents" should be "The conditions".
11229	14		"fifteen thousand" should be "twenty-five thousand".
11231	21		Change "of" to "about" after "remark,".
11233	7		"ninth line" should be "first line".
"	16		"These people even complain" should be "People even complain".
"	24		"Exhibit 148." should be "Exhibit 104."
11234	4		"This lady" should be "This lady".
"	14		Insert "and" after "pilots".

Transcript Page	Line(s)	PROPOSED CORRECTION
11234	22	"subject to" should be "subject of".
11235	10,11	"They show the day" should be "It shows the dates".
"	29	Second word "charts" should be "tables".
"	30,31	Change "Also the weekly camp menus which" to read "Also attached are the weekly camp menus published weekly by the Economic Department which".
11237	28	Insert "Wiens," after "Department,".
11238	7	Change "Farben plants" to "Farben mess halls".
"	17	Insert "Wiens," after "Department".
"	18	Change "plent." to "matter."
"	21	Change period to comma and insert "that is, no bullying." after "the food".
"	22	Insert "These matters should be dealt with in general so that a just solution may be found with a view to the honorable appearance of the Economic Department." after "immediately."
11239	20	"employed" should be "unemployed".
11240	6	"Wiems" should be "Wiens".
11241	2	Insert "piece work for" before "foreign".
"	3	Place period after "workers". Delete following words "to do piece work."
"	13	"Exhibit 138," should be "Exhibit 136,".
"	25	"January 1939," should be "January 1948."
11243	7	"Document 526" should be "Document 528".
"	16	"Emil Fleerrhinger," should be "Emil Floorchinger,".
"	17	"1 November" should be "18 November".
"	26	Delete "French".
"	27	"were instituted with" should be "instituted by him with". Delete "and" before last word "were".
11244	3	Insert "for the foreign workers." after "activities".

Transcript

Page	Line(s)	PROPOSED CORRECTION
11244	4	Insert "which contains suggestions for several camps and" after "19 June 1941". Following word "suggesting" should be "suggests".
"	5	Add "and for the camps." after "workers".
11245	13	Change line 13 to read "file note of the Farben plant Ludwigshafen on a conference at the Ludwigshafen Labor".
"	16	"corrective" should be "education".
11246	19	"in several languages" should be "in twelve languages".
"	30	Add "workers and also the" after last word "the".
11247	1	"Warning" should be "Warnings".
"	11	"He visited them" should be "She visited them".
"	21	Place dash after "1339,". "he states that" should be "he refers to".
"	22	"circumstances" should be "circumstance". Insert "that" after "meeting".
"	23	"workers, He repeats" should be "workers and repeats".
"	27	Change "special duty" to "dirty".
"	28	Insert "in spite of the wage stop." after "wages".
11248	19	"were not employed" should be "are not all employed".
11250	28	Change "document" to "witness".
11251	6	Insert "and the plant leader" after "meeting".
"	15,16	Change "These gentlemen should like to give orders demanding" to read "These engineering gentlemen demanded".
11253	21	"30 March 1942." should be "2 March 1942."
11255	10	Change "Economic Food Department" to "Food Section of the Economics Department".
11257	4	Change line 4 to read "intended to obviate and establish the proper procedure, and that before".
"	18	"this year," should be "last year,".

10403(-73-)

Transcript

Page	Line(s)	PROPOSED CORRECTION
11257	19	"to them." should be "from them."
"	22	"or in most cases" should be "in most cases".
"	23	Delete "respect to".
"	24	Last word "it" should be "they".
"	25	"ed's" should be "e's".
11258	13	"on page 36." should be "on page 47."
11259	10	"One," should be "First,".
11260	2	Delete "has" before "received".
"	12	"and you have before you now, if those letters were admitted" should be "and you will have before you, if those letters are admitted".
11261	10	"13 May 1946." should be "28 May 1946."
11262	12	Delete "likewise",
"	13	Delete "both".
"	31	"Ehmann," should be "Heymann,".
11264	4	"exhibit 145." should be "exhibit 20." Insert "The next document, 552, is already in evidence as Exhibit 195." after "exhibit 20."
"	10	Change period to come after "Ludwigshafen". Change following words "According to this, the hospital was" to read "which according to Exhibit 145, was".
"	13	Change line 12 to read "that the Hospital, Ludwigshafen, did not know anything about a French".
"	14	"had later died." should be "and later died."
"	15	"Exhibit 206." should be "Exhibit 205."
"	16	Change "1948. In 1944, he states," to read "1948, who in 1944, was chief of the plant guard and who states,".
"	23	Change line 23 to read "These two people didn't hear anything about the case which the witness of the Prosecution, Grenot, mentioned."
"	32	"Exhibit 520." should be "Exhibit 20."

Transcript	Page	Line(s)	PROPOSED CORRECTION
11265	12	"stated" should be "states".	
11266	4	Insert "the highest possible net-" before "payments".	
"	13	All "the person" after "affidavit of".	
"	19	"certificate," should be "affidavit,".	
11267	1	Insert "on the initiative of Dr. Wurster" after "helpfulness".	
"	5	"On the 27th" should be "On the 24th".	
"	6	Change "made a statement" to read "asked the Ludwigshafen plant for a testimony".	
"	12	"a group leader of the work" should be "leader of a work".	
"	31	Change "Verwaltungsrat" to "Verwaltungsausschuss".	
11270	5	Change "when he collaborated with him," to read "of friendly collaboration,".	
11271	12	"on the point" should be "from the point".	
"	18	Insert "not only of the members of the plant but of all citizens" after "esteem".	
11272	16	Place quotation marks after "time."	
"	26	Change "Frankfurt" to "Ludwigshafen".	
"	27	"days" should be "years".	
11273	26	"Document 122," should be "Document 121,".	
11275	29	Delete "operation".	
11276	13	Change comma to semi-colon after "laborer".	
"	14	Insert "then" before "he became".	
11277	10	"at the end," should be "at present,".	
"	25	"individual" should be "individuals".	
11279	16	"underneath" should be "under".	
"	20	"entire" should be "entirely".	

Transcript Page	Line(s)	PROPOSED CORRECTION
11279	25	Last word "that" should be "they".
"	27	"wasting time that it would otherwise require." should be "wasting the time that would otherwise be required."
"	29	Delete first word "are,".
11280	21	Insert "of Mr. Pensgen." after "celebration".
"	22	"Mr. Penspgen?" should be "Mr. Poensgen?"
"	27	"Suesseldorf." should be "Duesseldorf."
11282	21	"used up copper" should be "copper was used".
"	30	Insert "(Wehrmacht matters)." after "W matters".
11284	7	"dated" should be "time".
"	26	Delete "or the magnesium".
"	27	Insert "or the magnesium plant." after "program".
11287	8	Place quotation marks after "people."
"	9	"Anything from" should be "Anything further for".
"	25	Insert "we" before "call".
11289	6	Change "they want to use him" to read "he has to be used".
"	8	Insert "more" after "something".
"	11	Delete "it" after "call".
11291	17	Insert "Auschwitz" after "I.G. Farben".
"	19,20	Place period after "1943". Delete "and given by I.G. Farben Industry Auschwitz."
"	28	Place comma after "(ex)penses".
11292	24	"is as" should be "it as".
11293	3,4	Change "The Secretary General Mueller, I have come here to state, and" to read "Dr. Mueller asked me to state that".
11295	6	"I have" should be "these are".

Transcript	Page	Line(s)	PROPOSED CORRECTION
11298	14	"a new expenditure" should be "the new expenditures".	
11300	11	Insert "as" after "as early".	
"	14	"Herr Flotho" should be "Herr Flotow".	
"	21	Delete "in 1936, this year," before "this list". Add "in 1936," after "started".	
11302	6&ff	"Department" should be "Sperte".	
"	8	Insert "-- you see" before "clearly".	
"	12	"is only" should be "was only".	
"	27	Insert "in" after "Now".	
11303	5	Change "In column, in Department 1," to read "In Sparte 1,".	
"	6	Change "above" to "alone".	
11308	2	Change "turnover" to "export".	
11309	4	"then half" should be "then double".	
"	11	Delete "means".	
"	15	"but that" should be "and".	
11311	22	"comperison production marks;" should be "comperison of production;".	
"	27	Delete semi-colon and insert "in all cases," after "fabrication".	
"	28	Place comma after "exactness". Delete following words "in all cases,".	
11312	3	Delete "and alone".	
"	11	"1930." should be "1939."	
11313	1	Delete "I say that already,". Insert "in" before "28 - 29".	
"	12	"Exhibit 23104" should be "Exhibit 2310".	
"	16	Insert "of" after "figure".	
11314	18	Insert "saw" after "I just".	

Transcript

Page	Line(s)	PROPOSED CORRECTION
11315	14	"none sales" should be "home sales".
11316	27	"the figures for the" should be "the average figures of the Syndicate for the".
"	28	"in the average" should be "on the average".
11317	12	Change "the whole consumption was" to read "the consumption in the German market was".
"	29	"Sure." should be "Certainly."
11320	6	"that year also for 1928." should be "for that year 1928 also."
"	21	Insert "is that" after "understanding".
"	22	"technical expert" should be "technical expert".
11321	15	Add "where" after "affiliated".
11322	9	"the only" should be "only an".
"	20	Change line 20 to read "Eckel were generally objected to."
"	32	Insert "with other firms or with firms abroad, a fact which we" after first word "had".
11323	26	Place period after "mistake". Delete following word "before."
"	27	Place period after "I said". Delete next word "before."
11324	1	Insert "to" after "complained".
"	20	"in 1942," should be "by 1942."
11326	26	"1936" should be "1938".
"	30	"Besch," should be "Bosch,".
11327	3	"Final" should be "Finance".
"	11	First word "Not," should be "No,".
"	15,16	"exploitation of chemical products" should be "Exploitation of Chemical Products (G.m.b.H. zur Verwertung Chemischer Erzeugnisse)".
"	17	Add "(Verwertungsgesellschaft fuer Montanindustrie GmbH) after last word "G.m.b.H."

Transcript

Page	Line(s)	PROPOSED CORRECTION
11328	6	Change comma to period after "page".
"	7	Change "extent." to "circumstance."
"	29	Delete "and" after "Chemie".
11329	21	Insert "gone" after "they are".
"	24, 28	"Basch," should be "Bosch,".
11330	2	"2311" should be "2312".
"	18	"addressei" should be "addresses".
"	23	"were" should be "where".
11331&ff	14&ff	"quarter-annual" should be "quarterly".
"	18	Insert "showing" after "reports".
11333	15	"Dr. Heinbrunn has sown" should be "Dr. Heilbrunn has shown".
"	21	"in it." should be "in them."
"	30	"company for the processing of chemical products," should be "Company for the Processing of Chemical Products,"
11334	3	"Geneva" should be "Gonschow" (twice).
"	17	"kust like" should be "just like".
"	18	Second word "syre" should be "sure".
"	22	"NI-4232." should be "NI-14232."
11335	3	Insert "Exhibit" before "37,".
"	6	"so, of course," should be "and, of course,".
"	14	Change line 14 to read "diphenol chloride and silicon tetra chloride?",
"	24	Place semi-colon after "then" at end of line.
11336	9	"for centrality," should be "for centralite,".
"	10	"F.E. Dynamite" should be "Azetamid".
11337	6	Change line 6 to read "large chert. As you can see, the gasoline production appears".

Page	Line(s)	PROPOSED CORRECTION
11337	7	Insert "in 1931," after "time".
"	12	Change comma to semi-colon after "same".
11338	16	"Zone," should be "Zehn," (twice).
"	20	"after him" should be "after that".
11339	16	Delete comma and "and" after "Degesch matter".
"	17	"with calm deliberation, that" should be "of calm deliberation, and that".
11341	1	Place comma after "original".
"	23	Change last word "in" to "about".
11342	16	Last word "were" should be "was".
"	24	Change comma to semi-colon after "provided".
11343	5	Place quotation marks before "The camp".
11344	31	Insert "(Armament Construction Management)" after "Rue-Bauleitung".
11345	2	"page 80" should be "page 90".
"	17	Delete "also" before "an affidavit".
"	21	"Bauleitungen" should be "Rue-Bauleitung".
" &ff	30&ff	"Rue Bauleitungen" should be "Rue-Bauleitung".
11346	5	"the Rue-Construction" should be "the Armament Construction". Delete all quotation marks in this line.
"	6	Place quotation marks before "The tasks".
"	12	Change "the montan" to "the assembly".
"	14	Place quotation marks before "The superintendent".
"	15 comma	Insert "and" before "during". Change semi-colon to comma after "1944".
"	21	Place quotation marks after "management".
"	22	Insert "of" after "No.4".
"	23	Change "sundry firms," to "assembly firms,".

Transcript Page	Line(s)	PROPOSED CORRECTION
11347	14	"Rue-Bauleitungen. The French offices" should be "Rue-Bauleitung of the Branch office".
11348	8	Second word "within" should be "by".
"	11	"Document 578" should be "Document 478".
11349	8	Delete quotation marks after "foods."
"	9	Place quotation marks after "sauerkraut."
"	17	"Camp received" should be "Camp IV received".
"	24	"Handelsbevollmaechtigter" should be "Handlungs- bevollmaechtigter".
11350	29	"I is longer" should be "I no longer".
11351	4	"at least meat twice" should be "meat at least twice".
"	12	"k44." should be "844."
"	13	Add "head of the" after last word "the".
"	21	Change period to comma and insert "furthermore for Eastern workers and heavy workers of the Auschwitz plant from 1943. The menus on page 35 ff. speak for themselves." after first word "kitchen".
"	32	Last word "Exhibits" should be "Exhibit".
11352	8	"three classes of efficiency:" should be "three age classes:".
"	11	Insert "for cold food for Eastern workers" after "issued".
11356	32	Insert "The water of the other wells was also adequate." after "was found."
11357	7	"August 1940." should be "January 1948."
"	31	Change "was the supervising official" to read "was the highest industrial inspection official".
11360	32	Change "and I quote: 'When" to read "to the effect that when".
11361	4	Delete quotation marks after "etc."
"	13	"Part II and II," should be "Part II and III,".

Transcript

Page	Line(s)	PROPOSED CORRECTION
11363	22	Delete "employed".
"	23	Change line 23 to read "highly skilled workers, for the various instructors were lost to us as far as their construction work was concerned."
11365	2	"I think you" should be "I thank you".
"	10	"Exhibit 41." should be "Exhibit 51."
11367	3	"for instance.5," should be "for instance 0.5,".
11370	4	Delete comma after "prisoners".
"	23	"Economic and Administrative" should be "Economic Administration".
"	31	"construction" should be "concentration".
11371	2	Add "and all cases of contagious diseases" after last word "illness".
"	8,11	Place period after "procedure". Delete rest of line 8 as well as lines 9 and 10 through "accommodations, etc." in line 11.
"	12	"the first sentence" should be "this sentence".
"	15	Insert "(Wirtschaftsverwaltungshauptamt- Economic Administration Main Office)." after "WVHA." Also "in the Economic" should be "In the Economic".
"	28	"Economic and Administrative" should be "Economic Administration".
11372	5	Insert "and bound to secrecy." after "this job".
11373	21	"The effients" should be "The effients".
11374	8	"in including cam" should be "in inducing-camp"
"	14	"Farben Worl" should be "Farben Plant".
"	19	Delete comma after "number".
11375	I	Insert "the administration of" after "describes". "he discussed" should be "he discusses".
"	9	"he discussed" should be "he discusses".
"	16	Insert "the bad state of nutrition of" after "drawn to".

10403(-82-)

Transcript Page	Line(s)	PROPOSED CORRECTION
11378	15	"from 36." should be "from page 36."
"	28	First word "showing" should be "work-out-put".
11379	20	Delete "were no SS men. There".
11380	19	Insert "previous after second word "the".
11381	2	Insert "copious" before last word "experience".
11381	6	Insert "inmate labor" before "turnover".
"	16	Change "a complaint" to "a protest".
11383	6,8	Change from line 6 through "orders." in line 8 to read "Dr. Duerrfeld, on his official tours through all the building sites, talked to the personnel, to the foreigners and to the inmates and he investigated whether all his orders were carried out and whether any deficiencies should be removed." Delete the three asterisks before "During".
"	10	Place quotation marks at end of paragraph after "fed."
11387	19	Insert "I was placed in the Personnel Department and" after "this plant,".
"	21,23	Change from line 21 through "separated" in line 23 to read "way that the workers' camp questions were separated".
"	24	Change period to comma after "questions" and complete sentence with "together with the head of the Personnel Department."
11388	5,6	Change from "it seems" in line 5 through line 6 to read "it seems to me according to my view that something like a great idea for civilization was connected with this task."
"	19,11	Change "products, Buna, etc. were" to read "products, Methanol, Isooktan, and Buna were".
"	22	Change "questions" to "matters" (twice).
"	28	Change "what way" to "what measures".
11389	16	"the," should be "then,".
"	22	Insert "other" before "firms,".

Transcript Page	Line(s)	PROPOSED CORRECTION
11390	1.	Insert "especially" after "reason".
"	11	Change "these German workers?" to read "the required number of German workers?".
"	24	Last word "firm" should be "firms".
"	25	Insert "as well as in other plants." after "Auschwitz".
11395	4	"of Party" should be "or Party".
11396	11	"so. The way" should be "so that the way".
"	14	Delete "not" before "employing".
"	22,23	"just as the Germans were used, for similar" should be "just as Germans of similar".
"	32	Change "who constructed the work contracted for?" to read "who concluded the labor contract?".
11397	1	"constructed" should be "concluded".
"	11	Place comma after "foreigners". Delete comma after "time".
"	23	Insert "of" before "contracts,".
11398	4	Change "party" to "office".
"	5,7	"earlier." should be "early".
"	8	"Gauverwaltung" should be "Gauweltung".
"	9	Change "to examine the appointment of each" to read "to appoint each".
11399	10	Insert "through some stimulation, to" before "have some".
11400	2	Change comma to period after "interrogated"? Delete next word "but." Insert "more than" before "one discussion".
"	5	"putting" should be "to put".
"	20	"the administration of the SS" should be "the SS administration of Camp IV".
11401	18	"to retain" should be "to restrain".
11402	18	Second word "decision" should be "decisive".

10403(-84-)

Transcript	Page	Line(s)	PROPOSED CORRECTION
11404	3	"it seems" should be "what seems".	
"	24	Change "informed only how" to read "informed on a general way or were you informed only as to how".	
11405	3	Insert "of the" after first word "Department". Delete parentheses before and after "Social Welfare Department".	
11406	19	"hope it is not true." should be "hope is not true."	
11413	3	"being electrically charged," should be "electrical charging."	
"	9	"the whole series" should be "a whole series".	
"	10	Change semi-colon to comma after second word "camps". Insert "where" before last word "there".	
"	13	"as I may say," should be "as, so to say,".	
11414	25	Delete quotation marks before "administration."	
11416	6	"or the food" should be "of the food".	
"	10	Change "housekeeping" to "economic".	
11417	6	Insert "they" before "were loaned".	
"	28	Change comma to period after "October". Begin new sentence with "It could".	
11420	17	Place period after "(prosecution)". Begin new sentence with "If the prosecution wishes to conduct".	
"	18	"but we will" should be "and we will".	
"	31	"in total and we would" should be "and in total we would".	
11421	2	Insert "more time on the" after "benefit of".	
"	4	Second word "that" should be "such".	
"	14	Insert "the necessary time," after "to determine".	
"	16	"and is not" should be "and who is not".	
"	17	Change comma to period after "beforehand". Begin new sentence with "It seems" in line 18.	

Transcript Page	Line(s)	PROPOSED CORRECTION
11421	18	Change colon to period after "in advance". Delete following word "and" and begin new sentence with "Even if I don't believe" in line 19.
"	19,20	Change "I don't think that is being unfair" to read "as being unfair,".
"	21	Change period to dash after "remark". Continue sentence with "it".
11423	22	"mean the building site or he opposed" should be "mean in the building site or did he oppose".
"	30	Insert "also" after "was he".
11424	7	"a construction" should be "the construction".
"	11	Change "conferences" to "discussions".
11426	9	"was expected of anyone." should be "was suggested to anyone."
11427	20	"for that" should be "for itself since".
11428	10	"the portails" should be "the portals".
"	13	Change "I also say there were" to "I also saw".
11429	22	Insert "it" after "say".
11430	4	Delete comma after "showing".
"	12	"I have" should be "I had".
"	13	Place period after "exterminated". Delete next word "then." Insert "from" before "what I know".
11431	16	Second word "if" should be "it".
"	20	"netter?" should be "better?".
11432	14	Place comma and delete "III" after "weekly report."
"	24,26	Change from "concerning" in line 24 through "question" in line 26 to read "concerning labor allocation were discussed, and the necessity of getting suitable inmates as workers was pointed out. Was it not a question".
"	27	Change "were examined" to "be sent".
11432	29	"the plans of Farben," should be "the efforts of Farben,".

Transcript Page	Line(s)	PROPOSED CORRECTION
11433	8,9	Change "inmates. I don't remember exactly" to read "inmates — I did not follow it exactly — and".
"	10	Delete "You answer yes or no?"
"	12	Insert "for the time" after "made by me".
11434	4	Delete "told me". Place comma after "taken down".
"	5	Delete comma and "he" after "remarks".
"	13	"my disposal" should be "his disposal".
"	14	"that was the impression" should be "that word was actually used".
11435	24	"You had a copy" should be "You have a copy".
11437	13	Change "Dr. Schneider," to "Dr. Seidl,".
11438	4	Insert "if" before first word "the". Place comma after "listed" and change following words "without being able" to read "we are not able".
11440	6	"later" should be "late".
11441	4	Insert "the" before "time".
11442	3	Delete "this" before "cross-examination".
11443	5	Change last word "when" to "that then".
"	7	"is checked" should be "be checked".
"	25	"the law suit" should be "a law suit".
11445	21	Change line 21 to read "taken over from the Navy I joined in 1906."
11446	21	Change "here. The" to read "here between the".
"	23	Change comma to period after "supplemented". Begin new sentence with "The". Also change "consisted of inspections," to read "was the affair of the inspectorates;".
"	30	"is this factory able to produce" should be "this factory produced".
"	31	Second word "and" should be "to". "in your opinion" should be "in their opinion".

Transcript	Page	Line(s)	PROPOSED CORRECTION
11447		1	"to obtain" should be "to guarantee".
"		2	"which was to be" should be "which had to be".
11448		7	Delete "that".
"		10,11	"the possibilities, the obtainment" should be "the possibilities of production, the obtaining".
"		13	"and had to go" should be "which had to be".
11449		21	Change "that these" to "how these".
"		22	Delete "how they".
11450		3	Change "in the field" to "in the house".
"		16	Change "procurement and in order" to "procurement department in order".
"		22	Delete "and" after "schedule".
"		24	Delete "was when".
"		27,28	Delete "problems were represented by, technical".
11452		22	Delete "within this framework of the smaller production programs;".
"		23	"frameworks" should be "framework".
11453		29	"cerinhall" should be "Kerinhall".
11454		2,5	"Cerinhall" should be "Kerinhall".
"		27	Insert "Office" after "Orinance".
11455		10	"reduced requirement" should be "reduced from of the requirements".
"		11	"It was compiled in" should be "They were compiled into".
"		12	Last word "Sperton" should be "branch".
"		21	"dictated but counseled" should be "dictate but counsel".
"		23	"and is this program more" should be "and whether this program was more"
"		29	Change comma to semi-colon after "conferences".

Transcript

Page	Line(s)	PROPOSED CORRECTION
11456	5	Change comma to semi-colon after "question". "Department chiefs" should be "our department chief".
"	6	Delete "on our side".
"	8	First word "let" should be "last".
"	9	"Well, Dr. Krauch had some" should be "And for Dr. Krauch there was some."
"	10	Change comma to period after "somebody". Begin new sentence with "However,".
11457	4	Delete "or" after "in that way".
11458	1,3	Change from "instance," in line 1 through "therefore" in line 3 to read "instance, I know of a project which was already fairly advanced and which was better suited to Krauch's or our office and therefore".
"	13	"It is" should be "Is it".
"	20	Change "gasoline" to "civilian".
11459	21	Add "that" after "afraid".
11460	5	Place comma after "importance".
11460	8	"no staff" should be "no fun's".
"	9	"without a staff" should be "without fun's".
"	23	Change "production," to "consumption,".
11461	5	Change "a consultant" to "a department chief". "they tried" should be "he tried".
"	9	Insert "the" before last word "now".
"	10	"plants." should be "plen."
"	14	"of auxol" should be "of oxol".
"	21	Change "who ordered the plen." to read "who gave the order."
"	24,25	"execution -- for execution already" should be "execution has already".
"	31	Change "but it didn't say who." to read "but it doesn't say by whom."

Transcript Page	Line(s)	PROPOSED CORRECTION
11462	10	"item 15." should be "item 19." Delete last word "expansion".
"	19	(Insert ("but I ask" before "that the witness".
"	27	Place period after first word "answer". Delete following words "and that" and begin new sentence with "His answers".
"	28	Change line 28 to read "irrelevant, and he should not be permitted to continue with explanations along".
"	32	Change "I think about it." to read "I understand it."
11464	31	Insert "men" after "liaison".
11466	23	"Dueren" should be "Dyrhern". "Duerenfort" should be "Dyrhernfurth".
"	25	"Verdingen" should be "Uerdingen,". "r2" should be "142".
11468	19&ff	"Verdingen" should be "Uerdingen".
"	11	Change the following: "Project for --" quote "Perstoff" to read: "Project for Perstoff".
"	19	Last word "that" should be "the".
"	20	Change "Verdingen" to "Berlin".
11468	27	Insert "phosgene is a gas and perstoff is a liquid;" after "Perstoff;".
"	28	Delete "X" after "producei".
"	29, 31	Change from line 29 through "and I never" in line 31 to read "a lung poison; but in this war there would have been no sense in this since our gas masks would have withstood it and therefore Perstoff was not produced. No plant was ever built for any amount, and I never".
11469	8	"Verdingen," should be "Uerdingen,".
"	8	Last word "she" should be "it".
"	10, 11	Change "of an emergency plant" to "of a stand-by plant".

Transcript	Page	Line(s)	PROPOSED CORRECTION
11469	11, 12	"the case of the A fall" should be "in the A-case (case of war),".	
"	19	Change "testing" to "production".	
11471	17	Add "(Gelbkreuz)" after "auxesite".	
"	19	Insert "Bayerische" before "Stickstoffwerke,".	
"	20	Insert "for D-Lost" after "Gendorf".	
11474	24, 25	Change from "time" in line 24 through line 25 to read "time when I had long since been dismissed as department chief."	
11475	30	Change "was it not" to "as to".	
11476	4	Insert "otherwise." after "with then".	
"	27	Change "athelorchloryrin" to "ethylenechlorhydrine",	
"	28	Second word "plans;" should be "plan (war Plan)."	
11477	19	"the they" should be "then they".	
11478	1	Insert "fuel" after "first".	
"	2	"'33 to '34, from '38 to '39" should be "from '33 to '34 to '38 to '39."	
"	5	"refused. These" should be "refused that in those".	
"	13	Insert "which" after "materials".	
"	15	Last word "those" should be "other".	
"	16	Last two words "the firms" should be "these firms".	
"	22	Change line 22 to read "A. Yes, in this case. I mean to say, I gave that as an example."	
11479	12	"with diglycol," should be "and diglycol,".	
"	30	Insert "ethylene" after "process".	
"	31	Add "(yellow auxesite)." after "Gelbkreuz"	
11480	3	Second word "in" should be "is".	

Transcript

Page	Line(s)	PROPOSED CORRECTION
11481	24,27	Change from "The firm" in line 24 through line 28 to read "The firm only supplied ethylene or rather its preliminary products. The department in which a chemical warfare agent was manufactured from these materials, Orgacid established on the basis of its own experiments by Dr. Engelhard and the Testing Office of the Army Ordnance Office."
11482	1	Insert "out, Farbon supplied the lets" after "was turned".
"	2	"it was a procedure and improved" should be "it was an improved".
11483	7	Change "materials or substance rather." to read "new substances."
"	25	Change "From the start," to read "One must start from this point, and".
11484	1	Second word "is" should be "was". "other reports" should be "annual reports".
11485	28	"To show" should be "We show".
11486	1	Second word "what" should be "this".
"	7	"Wolf" should be "Wolfen".
"	18,19	Delete "go further".
11487	20	Insert "more" after "seen him".
11488	13	Change "relies" to "is to rely".
11489	23	"that witness confer" should be "him confer".
"	25	"it will adjourn" should be "that we adjourn".

Transcript Page	Line(s)	PROPOSED COR RECTION
11493	8	"unusually" should be "usually".
"	25	"detachment" should be "detachments".
"	26	Third word "side," should be "site,".
11494	10	"3 December 1943" should be "3 September 1942".
11495	14	"for prisoners" should be "that prisoners".
11496	20	"re-training" should be "retaining".
11500	14	"with for a few" should be "with very few".
11504	9	Change "in these camps" to "in Camp IV".
"	9-10	Change "Auschwitz camp" to "Farben plant".
11509	31	Insert "book," after "document".
11510	27	Insert "today" after "worker".
11512	19	"spearing" should be "separating".
11514	27	Place quotation marks after "50%."
11515	15	"Haeseler" should be "Haebele".
11516	8	Place quotation marks before "There was".
11517	2	"Exhibit 20." should be "Exhibit 120."
"	5	"represented" should be "mentioned".
"	23	Insert "of" before "cruelties".
"	26	Place quotation marks after "pamphlets."
"	28	Place quotation marks after "prisoners."
"	29	"422." should be "122."
11518	15	"I and III" should be "II and III".
11519	9	"for defendant Henze" should be "to Dr. Henze".
11522	6	"Municipal Office," should be "Landrat Office,".
"	13	Change "agricultural" to "long hour".
11523	7	"at the same time tried" should be "attempted at the same time".

Transcript Page	Line (s)	PROPOSED CORRECTION
11524	4	"for that," should be "for them,".
11529	4	Change "construction camp" to "concentration camp".
11532	7,14	"smelt" should be "Schmelt".
11533	21	Add "my" after "Mr. Witness,".
11540	6	"One was" should be "They were".
"	16	"one felt" should be "they felt".
"	17	First word "one" should be "they". Also "one had" should be "they had".
11541	14-15	"trichloril phosphate. (Phon:) "should be "tri-cresylphosphate."
"	17	"Zyklohexanol (Phon.)" should be "Cyclonhexanol".
11542	13	Change line 13 to read "in the world. For example, especially in Leuna we developed the".
"	24 & ff	"hydrogenization" should be "hydrogenation".
11544	17	Change line 17 to read "and therefore, I may have been somewhat angry about it, but also I was a complete stranger to the Party. The totality demanded".
"	26-27	Change "a license" to "all the licenses".
11545	7	Delete "automatically".
"	31	Change period to comma after "in sports".
11546	20	"the other from" should be "another of".
11547	12	Change "don't consider it so" to "one doesn't consider".
11549	2-3	Change "It doesn't matter if there were a few" to read "That is, within a."
11550	27	Change "to do so." to "to make one".
11551	5	"1942." should be "1943."
11551	13	Change "contractor assembly" to "contracting".
"	16	"the orders to give." should be "to place orders."

Transcript

Page	Line(s)	PROPOSED CORRECTION
11551	17	"contractor" should be "contracting".
11553	1	"No. 124." should be "No. 123." Also insert following paragraph after line 1 and before line 2: "The next document bears the number 1043. It is on page 38 of document book XIV. It is also an affidavit of Dr. Gerhard Ritter, dated 20 January 1948. This affidavit also deals in detail with the position of these commissars, of whom there were very many. I offer this document as Duerrfeld Exhibit No. 124."
11554	25	Insert "against you" after "evidence".
11557	10-11	"consultation" should be "coordination".
"	25	Delete quotation marks after "questions."
11558	19	"Dr. Strombock," should be "Dr. Stromberg,".
11559	21-22	Change from "I never" in line 21 through line 22 to read "I never mentioned anything to the effect that Farben went to Auschwitz because of the concentration camp."
11560	13	Change "the tours" to "the town".
"	29	Insert "a" before "standard".
11563	3	"undulstion" should be "undulations".
11564	8	Change line 8 to read "products, and one wanted to go through these and to put these workers".
"	9	Change "for the Auschwitz plant." to "into the new chemical plant."
"	31	Delete "at that time".
11565	6	"plan" should be "plant".
11566	4	"experiences" should be "experienced".
"	22	"camp site" should be "construction site".
11567	3	"last bit" should be "last but".
"	10	Insert "of the" after "quality".
"	11	Delete "been" before "wished".

Transcript

Page	Line(s)	PROPOSED CORRECTION
11567	23	"did and cooperate" should be "and did cooperate".
"	24	"content" should be "contented".
11570	4	"There was" should be "There were".
"	20	"Third by," should be "Third,"
11571	32	Delete "were" after "with which".
11573	3	Change "how and in what" to "when and where".
11575	23	Change "who was also sitting in the" to "who has also sat in this".
11576	28	Insert "of" after "one can speak".
11577	6	Insert "his" after "Since".
"	16	"I was acted" should be "I acted".
11578	3	First word "Is" should be "It".
"	9	Insert "a" before last word "torrent".
11580	30	"Professor Schneider," should be "Assessor Schneider".
11582	3	Change "committee, and they also had to assign the work to them," to read "committee and the mother plants."
11583	15	"will bear" should be "bears".
"	18	"the worked" should be "he worked".
"	19	Change comma to period after "1945". Begin new sentence with "Paragraph 2".
11585	13	"will bear" should be "bears".
"	19-20	Change period to comma after "1942". Also change following words "In paragraph 1942. In paragraph 2," to read "and on page 52,".
11587	15	Change "given" to "formed"
11588	2-3	Delete "that with reference to the conclusions,"
11590	20	Delete "existing" after "from 1939 on"

10403(-96-)

Transcript Page	Line(s)	PROPOSED CORRECTION
11590	21	Delete "what projects".
"	22	Change "Duerenfort." to "Dyhernfurth."
"	27	Change "Duerenfort" to "Dyhernfurth"
11591	2	Insert "the" after "was" and change "installations." to "installation."
"	28	Change "information" to "articles"
"	31	Change "could never be done in I.G.," to "could never have been worked out by I.G.,"
"	32	Insert "and powder and glycerine." after "explosives"
11592	10	Change "factories and pharmaceutical" to "factories, in pharmaceutical".
"	21	Change "They had" to "We had",
"	22	Insert "chemical warfare" after "Muenster for" and delete "welfare" before "agents,"
11593	1-2	Sentence should read: "Q. But I suppose that the Testing Department (Dienststelle Fruefwoesen) turned to industry?"
"	13	Insert "to or was to build" before "factories"
11594	15	Insert "instead" after "dinitrate"
"	39	Change "D-Lose" to "D-Lost"
11595	5	Change "Genndorff?" to "Gendorf?"
11597	16	Place period after "research work." and delete "and he also had a research institute."
"	19	Place period after "Testing 9." and delete "— with Phase 9."
11599	2	Delete comma after "as you said"
"	12	Change "forwarded" to "forward"
"	22	Insert "pass by" after "could not" and delete "by the past".
11600	19-21	Sentence should read: "I.G. Farben industry was first of all one of those partners most difficult to approach and in some fields one who was most difficult to deal with." 104031-97-

Transcript Page	Line(s)	PROPOSED CORRECTION
11600	21	Insert "that" after "you said"
"	22	Change "on their own installations," to "in installations owned by the Army,"
11601	12-14	Sentence should read: "I quote: "Was responsible to its superior Military Agencies for these orders, for buildings the required production installations and for obtaining the finished products that were required for this purpose."
"	18	Insert "products" before "manufactured"
"	26	Change "this products?" to "these products?"
"	30	Insert "to take any steps there." after the last word "task"
11602	16	Change "of Aircraft man" to "of the aircraft factory"
"	22	Change "WI-14521." to "WI-14251."
11603	3-5	Sentence should read after "14 December 1938," "to connect and supplement its installations of Wolfen and Bitterfeld for an additional mobilization capacity of ammonium nitrate" and later it says,....."
"	7	Insert "plant" after "nitrate"
"	10	Delete "by the" after "produced"
11605	7	Change "fertilizer" to "fertilizer"
"	11-12	Sentence should read: "Q. But the ammonium nitrate, production of which was to be converted, was a fertilizer which was produced in certain quantities?"
"	15-20	Sentence should read: "Q. According to the contract which you have in front of you, the Wehrmacht wanted to save itself the trouble of establishing an own ammonium nitrate installation as standby plant and preferred an additional expenditure to be paid to Farben for a conversion of a Farben installation. As it says there, "In the interest of making available an additional mobilization capacity."?"

Transcript Page	Line(s)	PROPOSED CORRECTION
11605	22	Insert "mobilization" before "capacity."
"	23	Change "making ready" to "standby plant"
"	28	Insert "trinitrotoluol and" after "yesterday that" and delete "the" before "hexogene"
"	29	Insert "detonation" before "speed" and delete "for the explosion."
11606	4	Change "for" after "conversion" to "or"
"	7-10	Sentence should read: "Q. If I put to you an affidavit by Dr. Schoener, introduced here as Buergin Exhibit 'S. would what Schoener says be possible, namely, that ammonium nitrate for a time was produced by Wolfen-Farben in the second half of the war?"
11607	7	Change "NI-5421." to "NI-14251"
"	13,14	Change "an emergency plan," to "a standby plant,"
"	20	line should read correctly, "the point of view of the I.G. in this way to take part"
11608	27-28	Insert "the" after "with"
11609	22	Delete "for" after first word "posal"
11611	4	Change "D Lost machinery" to "D Lost process"
"	7	Change "were interested" to "was interested"
11615	18	"from Auschwitz." should be "at Auschwitz."
11615	23	Insert "the Affiants of" after first word "by".
11616	17	Add "by" after last word "bounded".
"	19	Change "Unfortunately," to "Fortunately,".
"	25	Change "Northwest." to "Northeast."
11617	1	Change "Dachau," to "Crakow,".
"	9	Change "West" to "East".
11618	2	Change "serers" to "sewers".
"	8	"180,000 pounds" should be "1,800 pounds".

Transcript

Page _____ Line(s) _____ PROPOSED CORRECTION _____

11618	15	Change "along the terrace." to "slowly to the terrace."
11619	19	Last word "that" should be "what".
11621	2	Change "construction." to "streets."
11622	25	Insert "of course," after "there is,".
11624	26	Change "to upright these" to read "to mount and work on these".
11625	14	Add "inquisious" after "by our" at end of line.
"	32	Insert: "in summer." after "outdoors".
11626	3	"is 1311." is end of Question. Start new paragraph and answer with "A. This shows"
"	9	Delete "are" before "working".
"	22	Change "It is only possible he saw" to read "It is not otherwise possible but that he saw".
11627	18	"this drums" should be "these drums".
11629	3	Change period to comma after "Yes" and complete with "of course."
"	11	Insert "and" after "glasses,".
"	28	Third word "stem" should be "steam".
"	31	"It is not" should be "There is not".
"	32	"they plant either" should be "there were planted either".
11630	5	Insert "war" before "structure".
11634	25	Change "went on" to "had".
11636	9-10	Change from "possession" in line 9 through line 10 to read "possession and which it was a risk to take."
11636	23	Change "camp taken at the time the camp was built." to read "factory taken at the time the factory was being built."
11637	5	"1055." should be "1305."
"	9	Change comma to semi-colon after "wall". Delete next word "and".

Transcript Page	Line(s)	PROPOSED CORRECTION
11637	11	Change "pictures" to "charts".
11638	16	"in the second" should be "a second".
11639	6	"of those inmates" should be "of concentration inmates".
"	7	"these sections;" should be "three sections;".
"	20	"In the work shop" should be "Those in the work-shop".
"	21	"immediately" should be "immediate".
11640	22	Change "I think we even" to read "I have been often".
"	26	Change "number" to "moment". Also "then as a result" should be "and as a result".
"	28	"This was also due to the" should be "Also there is the".
11641	6	Insert "for the production of the steel construction" after "factories".
"	7	Change comma to period after "site" and delete following words "and this since the ordinary supply factories would make the steel."
11642	8-9	Change "when asking the firms who could get" to read "on the building firms to get as".
"	21	Insert "one" before "cannot".
"	22	Delete "to be" before "desirable".
"	23	Insert "with us," after "to work".
"	25	Insert "only" after "were not".
"	31	"Page 29" should be "Page 39".
11643	2	"Gebachem, who became" should be "to the Gebachem, to the".
"	6	Add "of the" after "letter" at end of line.
"	12	First words "and even" should be "or".
11645	8-9	Change from "at once," in line 8 through line 9 to read "at once, and the iron used throughout the

Transcript

Page _____ Line(s) _____ PROPOSED CORRECTION _____

11645 (cont'd) 8-9(cont'd)

entire time is under this quota."

" 11 Change "you initiated" to "you took the initiative".

" 27 "NI-11141" should be "NI-11140".

" 29 Insert "the" before "initiative".

11646 10 Delete "down".

" 26 Insert "NI-11144," after "document,". Place period after "question" and delete following words "which is NI-11144."

" 27 Insert "of the English," after "page 76".

11648 9 Insert "contracting" before "firms."

11649 8 "building" should be "buildings".

" 22-23 "prerequisited" should be "prerequisites".

11650 15 Last word "fare" should be "far".

" 26 "all time went only only as far" should be "All times went only as far".

11651 14 Change "That in particular applied to Mr. Krauch," to read "This in particular applies to Mr. Faust,".

" 22 Change "you thought that the employments" to "the refusal of the employment".

" 32 "that had I personally been" should be "that if I personally had been".

11652 7 Insert "first" after "to submit".

" 12 Complete paragraph with "This will become Duerrfeld Exhibit 138."

" 25 "101." should be "141."

" 26 "1127," should be "1227,".

11653 12 Change "support ourselves with any city" to read "depend on any city".

" 13 Change line 13 to read "The standard of civilization in the area was backward, as I".

11654 4-5 Change lines 4 & 5 to read "that all of the directives
(10403/-102-)

Transcript

Page	Line(s)	PROPOSED CORRECTION
11654	4-5 (cont'd)	of the authorities issued to you, actually were followed?"
"	8	"by the construction committee," should be "by the members of the Vorstand,".
"	22	Delete comma after "matters". Change "who was a junior employee, but who had" to read "as a junior employee, but he had".
"	23	Insert "Brucx," after "plant".
"	24	Insert "guards," after "plant".
11656	5	Insert after line 5 and before line 6: MR. PRESIDENT: Then that applies to Mr. Schmitz and not to Dr. von Schnitzler.
"	10	Insert "in" before "scmeway".
"	30	Second word "to" should be "with".
11657	5	"in actual" should be "the actual".
11658	7	"11000" should be "1100".
"	12	"nations" should be "nationalities".
11659	11	"Staatdirektor" should be "Stadtdirektor".
"	15-16	"what the conditions in our camp prevailed." should be "what conditions prevailed in our camps."
"	27	Insert "Farben" after "actually had".
11660	10	"21 of January" should be "23 of January".
"	13	Insert "Polish" before "camp".
"	30	Insert "only" after "relatively".
11661	20	"proper case" should be "proper care".
11662	4	"2,000 to 2,500" should be "2,500 to 3,500".
"	6	"alumin" should be "albumen".
"	25	Insert "a" before "directive".
"	26	"any odd two" should be "any two odd".

Transcript Page	Line(s)	PROPOSED CORRECTION
11666	17	Delete "at the infirmary".
"	21	"is instituted" should be "was instituted". Last word "need" should be "needed".
11669	8	"Sotrate" should be "Sotrabe".
11670	30	Insert "to" after "main camp".
11671	6	Change "underneath him there was the same Peschel." to read "under him there was the same Assessor Schneider."
"	11-12	Change "the foreigners issuing ration cards for" to "the issuing of ration cards to the foreigners for".
11672	22	Insert "for Clothing Material" after "Office".
11673	4	Change period to comma and insert "and further, from a clothing material collection, 2305 work garments consisting of those pieces." after first word "delivered".
11674	2	Delete "for" before last word "those".
"	15	"of the fact that on" should be "of that fact on".
"	30	"went to our camps" should be "lived in our camps".
11676	3	Change "Leiwitz, and so forth." to "Beuthen, Gleiwitz, and so forth."
"	31	Delete "form the circle of employees".
"	22	Insert "from the circle of employees" after second word "formed".
11677	10-11	"question" should be "questions".
"	26	Change "get to" to "understand".
11678	11	Change "old miners" to "old private official".
"	31	Change "excluded" to separated".
11682	1	"that we said" should be "when we said".
11684	21	"your attention" should be "our attention".
11685	4	Change "toward the plant guards" to read "by the plant management".

Transcript Page	Line(s)	PROPOSED CORRECTION
11685	28	"his capacities" should be "his capacity as".
11686	22	"they year" should be "the year".
"	28	Delete "only". before "put into".
"	30	"on foreigners as well as" should be "equally on foreigners and".
11687	11	Insert "Upper" before "Silesian".
"	22	Begin line with "Q. You.."
11688	2	Change second word "had" to "was of".
"	8	"Halenkolonne," should be "Haldenkolonne,".
11689	8	Add "not" after last word "should".
"	29	"It is no" should be "It is not".
11690	2	"by nature" should be "because of the nature".
"	3	Delete "there was".
"	4	Second word "between" should be "by".
"	4-5	Delete "and this struggle".
"	26	"to get him" should be "for him to get".
"	31	"with the claim" should be "regarding the claim".
11691	1.	First words "by then" should be "that".
"	5	"That is the reason" should be "As the reason".
"	11-14	Change from "Lodzmenn" in line 11 through "whether" in line 14 to read "Lodzmenn repeatedly mentioned your name in the Prosecution's affidavit; he said, for example, that the investigation record shows that the Plant Guard Herd Wiedmann either decided alone or together with Walter Duerrfeld whether".
"	15	"by Farben." should be "within Farben."
"	30	Delete "then" after "I would not".
11693	22	"to do so" should be "to have it done".
"	25	Second word "the", should be "then,".
11694	8	"those people" should be "these 30,000 people"

Transcript Page	Line(s)	PROPOSED CORRECTION
11695	25	Insert "Document 191," after "Bruestle,".
"	27	Insert "a section within" after "chief of".
"	31	Change period to comma and insert "page 98 of the book," after "1947".
11697	24	"I may have reference" should be "May I here refer".
11698	2	Add "the" after last word "that".
"	9-10	Change from "50 dead" in line 9 through "the plant;" in line 10 to read "50 dead only a part of whom were victims of the attack within the plant;".
11698	25	"4000 or 5000 people" should be "4 or 5 people".
"	26	Change "arrangement." to "organization."
11699	22	Insert "because" after "activity".
11700	8	Insert "foreign" before "people".
11702	5	Delete "if" before "from October".
11703	5-6	"was to give" should be "was to be given".
11706	16	Change period to comma after "court".
11706	18	Change "as they did" to "as of have been".
11707	2	Insert "be" before "put"
11708	7	Delete "been" before "heretofore"
11710	28	Insert "for formic acid already" after "plant"
"	29	Line should read, "say for formic acid the Bitterfold plant produced oxide of carbon and from"
11711	28	Change "court" to "count"
11712	20-21	Sentence should read: "A. Yes. All I was connected with was the actual former Polish dyestuff factories, and not with the usual chemical industry in Poland."
11714	30	Insert "acid," after "nitric"
"	32	Change "Concentrated nitrate" to "Concentrated nitric acid"

Transcript

Page	Line(s)	PROPOSED CORRECTION
11715	5	Change "diestuff" to "dyestuff"
"	5-6	Change "was always in production." to "took place all the time."
"	28	Change "carried on" to "executed"
11716	6	Change "is that correct?" to "as a matter of fact since 1937."
"	6-7	Insert the following after line 6 and before line 7: "Q. And that was produced by the Wolfen plant of I.G. Farben? Is that correct?"
11717	4	Change "for high explosives." to "for explosives."
"	12	Change "which I said" to "as I said"
"	13	Change "was not of any use to" to "made it unusable for"
11721	20	Change "particularly Wasag." to "particularly sulphuric acid."
11724	23	Change "the chief source" to "a cheap source".
11725	8	Add "camp" after "Auschwitz".
"	9	Insert "beginning of" after "about the".
"	22	"via the Labor Office," should be "via the Reich Labor Ministry,".
"	25-26	Insert "that" after "and", first word in line 25. Change "in this manner the chart displays the development as it is up here." to read "In this way, the development was as the chart shows."
11726	3	Change "how many of these" to "how did those".
"	4	"came" should be "come".
"	5	"to go over" should be "to come over".
"	10-11	Change "concentration site." to "construction site"
"	24-25	Change from "by which" in line 24 through line 25 to read "by which, according to the German terms of language, are meant persons who have committed some crime."
"	29	Insert "contractor" before "firms". 104031-107-

Transcript Page	Line(s)	PROPOSED CORRECTION
11727	1-2	Change comma to period after "SS-sergeant". Delete following words "who looked after the employment."
"	8	Change line 8 to read "and was the employment of inmates active enough?"
"	25	Insert "digging and" after "essentially".
"	26	Change "for the unskilled workers." to read "or other auxiliary work."
11728	9	"from four to six weeks I visited" should be "every four to six weeks when I visited".
"	20-22	Change from "workers" in line 20 through line 22 to read "workers to instruct the firms and their foremen, to admonish them all the time and to educate them to be decent."
11729	9	Delete first word "workers,". "that even there was" should be "that there was even".
"	22	Insert "working at our site. We hoped at that time to be able to take these inmates" after third word "inmates".
"	29-30	Change "were won over on the insight of this as by the order" to read "got an understanding of this, and by the orders".
"	32	Change "some insight into something." to "understanding."
11730	12	"1943" should be "1942".
"	14	Change "for the plant employment?" to read "for the plant management?"
11731	9	Change "They were allowed to get married." to read "The married men received compensation for being separated from their families."
"	15	Insert "construction" after "Reichsautobahn".
"	17	Change line 17 to read "were put at the disposal of the armament development by the Reich."
"	26	"constructed" should be "construction".
11732	11-12	Change period to comma after "in that" and continue sentence with "in March 1944" in line 12.

Transcript

Page	Line(s)	PROPOSED CORRECTION
11732	25-26	Change lines 25 & 26 to read "of the Armaments Ministry in order to get other workers from construction sites of the Rue-Bauleitung."
"	31-32	Change "by agreeing" to read "in making agreements". Also change "in that manner" to read "through them".
11733	6	"again faced the" should be "again faced a".
"	13	"on the construction" should be "to the construction".
"	15	Add "concerning labor." after "Goering" at end of line.
11734	6	"on the 16th of May 1942," should be "on the 6th of March 1942,".
"	7	Last word "on" should be "at".
11736	3	Change line 3 to read "(manage)ment of the already mentioned Rue-Bauleitung."
"	5	Change third word "build" to "occupy".
"	9-10	Change "Conditio Seni Quano" to read "condicio sine qua non".
"	15	Insert "as" before "I shall".
"	16-17	Change lines 15 & 16 to read "explain in a minute, when we left the camp, a new building was started east of it."
11737	13	"was the type of a" should be "was a typical".
"	14-15	Insert "had" after first word "Bavarian,". Also delete "He didn't seem to be unpopular."
"	30-31	Change from "workshops," in line 30 through line 31 to read "workshops, more and more inmates were employed by Farben and the result was that at the time when we".
11738	3-4	Change lines 3 & 4 to read "reality only one-third of them were employed by Farben itself because Farben paid for many more inmates in order to put them at the".
"	6	Insert "in" after "You may that".
"	8	Second word "camp" should be "plant".

Transcript

Page	Line(s)	PROPOSED CORRECTION
11738	15	"the GBZ," should be "the Gebechem,".
"	29	Change "with Dr. Rossbach" to "by Dr. Rossbach or assessor Schneider, who was here."
11739	1	Change line 1 to read "for a certain engineer Fricke to take care of and his representative,".
11740	7	"in 1942 and 1943" should be "in 1942, 1943 and 1944,".
"	10-11	Change lines 10 & 11 to read "assignment. At our anxious questions in the beginning as to how this was to proceed - we were ourselves without any knowledge of these things - we were referred to the good ex- periences had".
"	12	Change comma to period after "inmates".
"	13	Insert "at the end of 1944" after "Silesia".
"	14	"50 names" should be "15 names".
"	24	Insert "hundred" after "several".
11741	1	"the GBZ," should be "the Gebechem,".
"	3	Insert "(Editor's note: See Page 11738, line 15.)" at end of line.
"	5	Change line 5 to read "camp and about my being the Director and the Construction Manager of a concentra- tion camp, as I am called in the".
"	6	Change period to comma after "Indictment". Continue sentence with "this is".
"	14	Place quotation marks before "Kommandantur".
"	15	Delete "in parenthesis,". Place parenthesis before and after "Monowitz". Also place quotation marks after same word "(Monowitz)."
"	17	Change "offices" to "barracks".
"	25	Change "without false conviction," to "with my fullest conviction,".
"	31	"and I had nothing" should be "but it had nothing".
11742	1,3	"Schuettel." should be "Schoettel."

Transcript

Page	Line(s)	PROPOSED CORRECTION
11742	27	Fin Document" should be "is Document".
"	30	Delete "Anything".
11743	2	Delete period and insert "or for the self-administration of the inmates" after "SS".
"	7-9	Change from "acted" in line 7 through "without being" in line 9 to read "acted like a proprietor of house who puts a ready house at the disposal of other people, without being".
"	16	Insert "Who carried out the interior accommodations?" after "barracks."
"	19	"Armament Industry for Economics," should be "Rue-Bauleitung".
"	26	Insert "subordinate" after first word, "some".
"	30	Delete "Automatically.". Begin new sentence with "Therefore,".
"	32-33	Change "sick bay. It belongs there." to read "sick bay, and as there has to be."
11744	9	"Armaments Ministry Agency." should be "Rue-Bauleitung."
"	25-26	Change "construction didn't ask you what barracks" to read "camp also didn't ask us as to the barracks".
11745	5	Second word "that." should be "it."
"	6	Insert "and" after first word "this".
"	16	Change "of sick people were in the hospital." to read "of people in the camp were sick and convalescing."
"	31	Change "could have been" to "could stay". Insert "only." after "weeks".
11746	1	"12.2%." should be "12.5%."
"	3	"700 patients" should be "700 beds".
"	7	Add "appear" after last word "people".
"	14	"calin" should be "claim".
"	16	"certainly, was in July, and not June" should be "certainly was in June".

Transcript Page	Line(s)	PROPOSED CORRECTION
11746	17	"these transfers" should be "no transfer".
11747	1	"Camp for treatment," should be "mother camp for treatment,".
11749	2	Place comma and insert "that is inmates," after "peoples".
"	3	Place comma after "Camp IV".
"	5	"other place." should be "such place."
"	14-15	Change from last word "transfers" in line 14 through line 15 to read "departures of those who were sent to the labor correction camps."
"	27	Delete first word "inner".
"	28-29	Change lines 28 & 29 to read "noticed, which, as has already been said, was the cause of the inner fluctuations."
11750	13	Insert "to the first, so many to the second detail" after "so many men".
11751	14	"by Camp IV" should be "from Camp IV".
"	30	Insert "particularly" after "camp,".
11752	3	Change "exit figures" to "departures".
"	4-5	Change from "contradictory" in line 4 through line 5 to read "contradictory because we ourselves complained about the fluctuations. The camp administration, however, denied such fluctuations. These labor allocation events of the camp would have given".
"	31	"the same, and" should be "the same, an".
11753	21	Place comma after "curves". Delete period after "manager" and continue sentence with "if anything happened".
11754	9	Insert "This idea is wrong, too." after "No."
"	12	Last word "of" should be "in".
11755	10	Insert "due to" before "a lack".
11756	10	Place period after "page 74" and delete next words "of Book I."

Transcript Page	Line(s)	PROPOSED CORRECTION
11756	20	Change "only in part of" to read "partially on".
11757	7	"raildorad" should be "railroad".
"	21	"can eat" should be "could eat".
11758	11	"you can say" should be "by saying".
"	19	Delete third word "then".
"	25	"temporarily" should be "temporary".
11759	3-4	Change period to comma after "places". Also change following words "The SS wanted" to read "the dining rooms,".
"	17	"they now began" should be "then began".
"	20	"to the plant" should be "into the plant". Delete "in" after "came".
11761	2-3	Change lines 2 & 3 to read "A. Until the middle of '43 as long as the weekly reports were made, which is also shown by the documents, this assertion must be incorrect,".
"	4	Change "the other period of time" to read "the remaining time".
"	6	Insert "even" before "one takes".
"	24	Delete "a" before "Mr. Schoettel,".
"	25	Change line 25 to read "at which time I also had a conference with the doctor and when I also visited".
11762	24	Insert "I saw" after "from this".
"	25-27	Change from "office" in line 25 through "and during" in line 27 to read "office -- I watched it for about two minutes and saw how these inmates marched out of the camp -- and during".
11763	4	Change line 4 to read "a reasonable man, and that he had understanding and common sense whenever".
"	5	Insert "allowed it." after "training".
11764	2	Change "informed" to "feared".
"	4	Change "government" to "rule".

Transcript Page	Line(s)	PROPOSED CORRECTION
11764	22	Insert "be" before "necessary".
11765	3	Insert "(Rue-Bauleitung)" after "management". Also "7273" should be "72/73,".
"	7	"it is not" should be "it was not".
"	15	"but that" should be "since".
"	25	"1485" should be "1458".
"	31	"we wanted to find" should be "we found".
"	32	Delete first two words "that we".
11766	1-2	Change lines 1 and 2 to read "protect this camp from typhus — that was a large and serious connection that we wanted to".
"	23	Insert "not" after "differed".
11767	25	First word "they" should be "we".
"	26	"they had" should be "we had".
11769	6	Change line 5 to read "corrective measures were taken, as the inmates themselves said later."
"	18	"blei, but now" should be "bled. But then".
"	20	Change "psychological" to "physical".
"	27	Change line 27 to read "these people first, was friendly with them, or approached".
"	28	"talks" should be "talked".
11770	2	Change line 2 to read "that you hear differ so greatly."
"	4	Change "people working there from the inmates" to "inmates working there".
"	23	First word "are" should be "were".
"	27	"we had to make" should be "we wanted to make".
11771	6	Delete "perhaps".
"	18	Change "skilled worker." to "high pressure machinist".
"	27	Insert "I am to judge about the whole period," after "If no".

Transcript Page	Line(s)	PROPOSED CORRECTION
11772	9	Change last word "ease" to "indication".
"	18	Change period to comma after "participant". Continue sentence with "for I called".
"	23	Delete "that" before last word "with".
"	27	Change "the balance" to "the rest".
11774	16	Add "it has been normalized and" after last word "why".
"	18	"at the double." should be "on the double."
"	19	Insert "as have been described here" after "meters".
11775	6	Insert "a" before last word "lower."
"	15	Change comma to period after "per day". Begin new sentence with "Poor".
"	22-23	Change "Plenipotentiary" to "Commissioner".
11776	14	"I have no idea of who" should be "I had no idea who".
"	15	Delete second word "have".
"	17	Insert "statements such as" before "recorded".
"	19-20	Change "I did not make the same observations but I went" to read "I did not notice and I want".
11778	13	Change period to comma after "there" and complete paragraph with "so to say, on an endless band or conveyor."
"	20	Change "mutiny" to "armed resistance".
11779	9	"insturctions" should be "instructions".
11780	11	"During my three visits I went to" should be "I made three visits to".
11781	23	"now, they" should be "now and they".
11784	24	"fourteen times in 1941 and five times in 1943 should be "fourteen of them in 1941 and five in 1943."

10403(-115-)

Transcript Page	Line(s)	PROPOSED CORRECTION
11784	30	Complete answer should be "Yes. I believe so."
11785	17	Change "That is" to read "Leadership is".
"	18-20	Change from last word "Sometimes" in line 18 through line 20 to read "They were under the intellectual direction of Dr. Ambros, or of Dr. Buetefisch, when one of them was present. If they were not there, then of Dr. von Staden."
"	24	"pictures" should be "picture".
11786	9-10	Change lines 9 and 10 to read "do with an SS-officer, just as later I seldom had anything to do with any of them, and no SS-officer ever came to my house at Anschwitz."
"	25	"nows" should be "knows".
"	27	"which I do not" should be "although I do not".
11787	16	Insert "the construction site," after "took over".
"	17	"30 December" should be "13 December".
"	21	Change period to comma after "sometimes".
"	22	Change "He had" to read "this construction manager, who had".
"	29	"Commetment" should be "Commitment".
"	30	Insert "the" before "management".
11788	I	Insert "or" before "because".
"	10	Delete "for foreigners" at end of line.
"	12	Delete semi-colon after "law".
"	14	Last word "what" should be "as".
"	24-25	Change "That I believe was the reason" to read "I believe that for such reasons".
11789	16	"you" should be "your" before "observations".
11791	1-2	Delete entirely line 1 and change line 2 to read "A. The English were prisoners just like the inmates, and".

104036-116-

Transcript

Page	Line(s)	PROPOSED CORRECTION
11791	16	Change line 16 to read "The life of these Englishmen at the construction site was on the very".
11792	4	Insert "who" after "Germans".
"	6	"where they" should be "so that they".
"	30	"Dayles" should be "Dales".
11793	1	Delete "severe".
11797	23	"I didn't know" should be "I don't know".
11798	11	Change "we said prominent" to "we called them prominent".
11799	1	Insert "be" before "acquainted". Also "in the camp," should be "in the plant,".
"	13	"two or three barracks." should be "three or four barracks."
11801	6	Place comma after "protected".
11802	9	Change "hinted at this" to "discussed this".
"	14	Place comma after "machines". Change following words "or other high places" to "etc.,"
"	22	Insert "when the chimney was built." after "killed".
"	29	Delete "at the top".
11803	7	Change "affiant" to "affidavit".
11803	18	Place period after "Commissary". Begin new sentence with "On the".
"	20	"I wated" should be "I wanted".
11804	10	Insert "Besides" before "at the grte".
11805	8	Last two words "of the" should be "on the".
"	21-22	Change from "so that" in line 21 through line 22 to read "so that those details that had the shortest route should not leave first but those that had the long(est)".

Transcript Page	Line(s)	PROPOSED CORRECTION
11805	22-23	Change "of lack of export workers, also" to read "of withdrawal of workers, especially expert workers, and also".
11806	7	First word "was" should be "is".
"	31	"1447," should be "1477,".
11807	3	Delete "about some hiding place --".
"	13	"accident," should be "incident,".
11808	8	Change "found, attached to the" to read "found, if any existed, and not only a".
11809	3	Change "national" to "natural".
11810	4	Change "to speak", to "to speak,".
"	22-23	Change lines 22 and 23 to read "Q. Did you have the possibility by any other method, that is, through the Economic Group or through Professor Kraush or by any other way,". Continue with "of giving" in line 24.
11811	22	"initiation" should be "initiative".
"	32	Change first word "During" to "At".
11812	13	"that is a firm" should be "the firm".
11813	10	"SI-11175." should be "SI-11057."
11815	1	Place period after "particularly". Begin new sentence with next word "The".
"	24	Add "it" after "experienced" at end of line.
11816	29	Place period after "certainty" and delete next word "because". Begin new sentence with "This man" in line 30.
11818	1	Change "developed" to "took".
"	12-13	"mention." should be "mentioned."
11819	29	Delete "working".
11821	3	Delete "you say that".
"	7	"They were no concentration camp inmates." should be "They were not concentration camp inmates at Leuna."

Transcript

Page	Line(s)	PROPOSED CORRECTION
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11821	3	Delete "you say that".
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Transcript Page	Line(s)	PROPOSED CORRECTION
11824	6	"in Walther" should be "is Walther".
"	10	Delete "and" before "from which".
11825	3	Add "of" after "construction" at end of line.
"	6	"he said," should be "he says,".
11826	19	Insert "as" after "statement".
"	22	"my work, detailed" should be "my work detail".
11831	6	Change "handled" to "handle"
11834	3	Change "he told" to "I told"
11847	1-2	"argument" should be "agreement"
"	21	"opinion.After the" should be "opinion, since the"
11848	9	Insert "the" after "draft of"
11851	4	Insert "a" between "in" and "joint"
11853	4	Insert "what" after "asked"
11853	13	"consert" should be "consent", delete "of the"
11856	10	Insert "together" after "conferences"
11856	11	Delete last word "them"
11856	26	Change "absent very often" to "present very often"
11858	3	"sign ficance" should be "significance"
"	20-22	should read: such a way as if Agreement 2, was of special significance for Farben rather than for Rhone Poulenc, or practically speaking, was Agreement 2 of greater significance for Rhone Poulenc than for Farben?
11860	2	Change "as far as" to "inasmuch as"
11862	15	Change "one" to "phosphoric acid plant".
11863	10-11	Change "but as far as the rest of the Plants, were concerned," to "but because of the large extension of the other plants,".

10403-119-7

Transcript Page	Line(s)	PROPOSED CORRECTION
11865	12	Change "the field," to "this field,".
"	19	Change "to produce that kind of magnesium which we could sell on the market." to "to produce magnesium at a price which allowed us to enter the market."
"	22	Insert "the" before "early".
11866	31-32	Lines should read, "industry. Even in the airplane industry, at home and abroad, we successfully strove with the greatest of effort to introduce our metal. Introducing a new".
11868	15-17	Sentence should read: "A.-Dr. Buhl and Herr Weber as commercial expert together with myself and with Dr. Buhl as juridical member of the Vorstand, negotiated with the government about the agreement, and as far as I can...."
"	21	Insert "plant" after "magnesium".
11870	13	Insert "at Wolfen" after "particular".
11873	19-24	Sentence should read: "... but also the entire program of manufacture, namely transforming the magnesium into various alloys, and that goes hand in hand with whatever was developed more and more during the preceding years, and owing to this development the production could be consistently expanded."
11874	2 & ff	Change "electro-metal" to "electron-metal".
11874	29	Change "plants" to "channels" and insert "and abroad?" after last word "use".
11876	13	Change "increased" to "mentioned".
"	22	Change "petroleum" to "oleum".
"	24-25	Sentence should read: "A. Oleum might have been produced from gypsum sulphuric acid, whether that actually happened I do not know and cannot say."
11877	8	Delete "actual" before "plant" and insert "actual" before "manager". (10403 / -120-)

Transcript

Page _____ Line(s) _____ PROPOSED CORRECTION _____

11877

13

Place parentheses around last two words "works
combine" and delete comma after "combine".

10403 (-121-)

Transcript Page	Line(s)	PROPOSED CORRECTION
11879	23	"not be longer" should be "be no longer".
"	26	Delete "it" before "was proper".
11880	3	"we thing" should be "we think".
"	15	Third word "had" should be "hand".
11881	14	"marks" should be "marked".
11882	14	"Book 69," should be "Book 89,".
11885	21	"on some other" should be "or some other".
11886	8	"1869" should be "1868". Also "NI-14003" should be "NI-14002".
"	21	"Dr. Muertens." should be "Dr. Mertens."
11891	27	Add "work." after "concrete".
11892	4,5	Delete "At the time". Also delete comma after "Blochhammer". Change next word "since" to "because".
"	7	Insert "in Blochhammer." after "position".
"	20	"and my parents" should be "since my parents".
"	22	Insert "So" before "I came".
11893	10,11	Change from "enthused" in line 10 through line 11 to read "enthused a few weeks after my arrival about the vigor and vitality and the efforts going on there to create all of the".
"	15	Add "Is that your answer?" after "welfare?".
11894	23	Insert "We had the impression that" before "the indigenous".
"	29	Insert "around the camp," after "villages". Delete comma after "camps" at end of line.
"	30	First word "or" should be "and".
11895	7	Last word "if" should be "when".
"	14	Change "shelters" to "trenches".
"	16	Place period after "construction". Begin new sentence with "Since".

Transcript Page	Line(s)	PROPOSED CORRECTION
11895	17	Delete first word "and".
"	18	Change "for all people concerned." to "for 30,000 people."
"	19	Insert "as all other German construction sites," after "at the time".
"	29	Insert "not" before "reinforced,".
11896	2	Insert "quotes and" before "raw materials."
"	5	Change "tried," to "discussed,".
"	6,7	Change "to do this with us," to "for such shelters,".
"	26	"or free workers," should be "or foreign workers,".
11898	28	"he forced" should be "is forced".
"	29	Place comma after "falls". Delete next word "and". "that is" should be "which is".
11899	9	Insert "that is what I want to say." after "Yes,".
"	15	Insert "experts among the inmates," after "found".
"	18	Insert "and they were the ones" after "workers".
11900	11	Insert "Yes." before first word "That".
"	19	"stockpiles" should be "stock-piles available."
11901	3	Change "danger" to "difficulty".
"	5,6	Change "were immediately scratched" to read "the cement immediately pressed".
"	15	"the low silo" should be "the low silos".
"	19,20	"after adding the necessary ingredients," should be "after the necessary ingredients were added,".
11902	19	Change first word "are" to "consists of".
11903	12	Change line 12 to read "the cars were assembled. We only used them. I know this for sure since they were not completed until".
"	26	"this articles" should be "this article".
11904	23	"those of" should be "that of".

Transcript	Page	Line(s)	PROPOSED CORRECTION
11904	28		Insert "I know what a worker can do and what we then had to do." after "my studios."
11905	4		Delete third word "in".
11906	3		"details" should be "detail".
"	24		Insert "I" before "tasted".
11908	32		"but the mine" should be "although the mine".
11909	1		Change "the tool in" to "it for".
"	9		Insert "No." before "I heard".
11910	5		"At Salzgitter" should be "A Salzgitter".
"	11		"who was" should be "you, who were".
11912	6		Insert the following after line 6 and before line 7 : "BY MR. MINSKOFF:"
"	11		"15 kilograms;" should be "50 kilograms;".
"	13		Change "Dr. SEIDL:" to "MR. MINSKOFF:".
11914	7,8		Change "cracking" to "power".
"	19		"at Auschwitz" should be "to Auschwitz".
"	22		Change "after 1942," to "from December 1942,".
11917	12		"a portal" should be "a portable".
"	16		"That is" should be "That was".
"	30		Insert "Farben" after "Uerdingen".
11919	6		"They had little" should be "They had a few".
"	30,31		Change "About half of the Russians were used for this job," to read "In the German group, only half the number of people were used for the same job,".
"	32		"stones" should be "bricks".
11923	2		Insert "who does not work for wages" after "laborer".
"	3		Change period to comma after "compulsion". Also change following words "Of course," to "or,".

Transcript

Page	Line(s)	PROPOSED CORRECTION
11923	4	Insert "Rough measures were out of the question." after "his work."
11926	17	Delete comma after "before".
"	18	Change line 18 to read "asked what was the German word that was used? We all didn't know it. Therefore, it didn't exist and so we didn't know it."
11928	18	Change "When the work leader broke them down and" to read "When later as the work progressed".
"	19	Insert "above all" after "details".
"	22	Change "At that time we tried to surround" to read "At that time by way of experiment we surrounded".
"	23	"the various parts." should be "this part."
"	24	Insert "of this small fenced part." after "outside".
11930	13	Insert "associates" after "my work".
"	16	Delete comma and "I helped" after "Leuna".
"	17	Delete first word "and".
11931	19	Change "DR. DUERRFELD" to "HERMANN STRADAL".
"	27	"in the car the railroad car" should be "in the railroad car".
11934	26	"pile or pipes" should be "pile of pipes".
11935	22	Delete "and" after "inquiry".
11936	14	Insert "previous" before "subdivision".
"	26	"bearing" should be "beating".
"	27	"the beatings too were prohibited" should be "were also prohibited".
11937	7	"the disputes" should be "it disputes".
"	7,8	"contradict" should be "contradicts".
"	30	Insert "disciplinary" before "first word" "way."
"	31	Change "That is what I meant. I meant that" to read "That can be avoided and".

Transcript

Page	Line(s)	PROPOSED CORRECTION
11938	1	"were brought" should be "can be brought".
"	17	Change "to work" to "to carry a heavy load".
"	18,19	Change "to do a little less strenuous work, but then" to read "to carry the load slowly and".
11939	23	"do you answer" should be "do not answer".
11940	6	"Muenchen," should be "Muenchen-Gladbach,".
"	8	Insert "in the Association of Advising Engineers." after "architecture".
11942	2	"the diplom engineers" should be "the few diploma engineers".
"	26	Insert "according" after "order".
11943	18	Insert "that" after "at the time".
11944	12	Change "or that I ever saw a dead inmate on" to "or dead on".
11945	8	"and that referred" should be "and that also refers".
11946	21	"they couldn't" should be "it couldn't".
"	30	Change "allegedly was" to actually is".
11947	4,5	"competed" should be "compared".
"	31	Change "by a great number of" to read "by command".
11948	1	Delete first word "workers,".
"	20	Change line 20 to read "extremely large and powerful enterprise, very wide in the scope of its departments. Would".
11949	7	Insert "plant" after "other". Delete "15" after "leid where".
11951	26	"agencies" should be "agency".
"	27	Change "for constructions, the superior" to read "for constructions in Berlin at the time, that is, the supreme".
11952	14	Delete period after "interest" and complete sentence with "in our special field."

Transcript Page	Line(s)	PROPOSED CORRECTION
11953	17	Insert "of the administration of Camp IV" after "competency".
11954	28	Change "in Auschwitz." to "in the camp Auschwitz in the neighborhood."
11956	9	Insert "the Farben plant of" before "Auschwitz".
11957	26	Delete "the" after "and of".
11958	3	Place comma and insert "who was a plantengineer in the Farben plant Auschwitz," after "this man".
"	4	"an inmate." should be "an inmate detail."
"	7	"two votes" should be "two notes".
11959	30	Change "maintenence" to "control".
11961	14	"No. 210." should be "No. 201."
11962	14	Place quotation marks after "section."
"	16	"page 02." should be "page 92."
11963	14	"3 June" should be "30 June".
"	19	"to inherent" should be "or inherent".
"	28	"get accustomed" should be "not accustomed".
"	30	First word "that" should be "where".
11964	6	"3027." should be "207."
"	9	"Exhibit 108." should be "Exhibit 208."
11965	23	"camp," should be "camps,".
"	26	"trade industry" should be "paper industry".
11966	16	"Partenburg" should be "Peppenburg".
"	28,29	Change from "Monowitz," in line 28 through line 29 to read "Monowitz, or, as Farben called it, Camp IV?"
11968	14	Insert "in which" after "camps".
11969	2	Insert "days" after "one or two".
"	4	"occeasion" should be "occasions".

Transcript	Page	Line(s)	PROPOSED CORRECTION
11969	9		Insert "to" after "maybe".
"	11		"very bad off" should be "very badly off".
"	12		Delete "had" before "controlled".
"	13		Change "controlled" to "checked".
"	16		Change "all of us would have thrown out" to read "there would have been a general throwing out".
"	17		Insert "to" before "be cleaned".
"	19		Change "I was never able to ascertain that" to read "I never saw that".
"	21		Delete "he was permitted".
"	22		First word "of" should be "or".
11970	23		"this is not" should be "this was not".
"	30		"hearing" should be "hosting".
11971	12		Insert "that" after "air raids". Also add "to" after last word "plant".
"	28		Change "and by these means" to "and because of this".
"	29		"rations" should be "ration".
11972	3		Insert "gratefully" after "soup".
"	30, 31		Change lines 30 & 31 to read "had completed at least in part the plant fence and then the SS guards were removed and then we were able to receive".
11973	3		Change "if you recall" to "if you compare".
"	5		Change second word "to" to "as".
"	26		Delete "also" before "put down".
"	27		Insert "at" after "time".
11974	27		"inmate" should be "inmates".
11975	1, 6		Insert "pipe" before "bridges".
"	8		Delete "the" before "leather".
"	9		Change "anything that Farbon" to "whether Farbon".
"	29		Insert "inmate" before first word "blocks".

Transcript	Page	Line(s)	PROPOSED CORRECTION
11975	30		Change line 30 to read "size by medical treatment rooms for physicians and dentists."
11976	15		Change "and then it was looked at. There was" to read "and since I had fever, there was".
"	19		"This could be" should be "That this could be".
11977	1		Delete "For" before "Three times,".
"	2		Insert "only" before "when people".
"	3		"they were admitted." should be "he was admitted."
"	28,31		"a reconvalescent" should be "a convalescent".
11978	10		Last word "dungeon." should be "prison."
"	19		Insert "or the political department" after "the SS".
"	20		Insert "upon comrades." after "thefts".
"	27,30		Change from "If the punishment" in line 27 through "Our lives" in line 30 to read "If no punishment was given, then the thieving and stealing would have multiplied and our conception was that stealing a man's rations meant stealing his life. Our lives".
11979	4,5		"and we went there to watch" should be "where we went to watch".
11980	9		Last words "it is" should be "that this is".
"	18		Place comma after last word "pley".
"	19		"us on Sunday," should be "also on Sundays,".
11981	7		Insert "due to" after "say that".
"	10		Delete "that was a change."
"	26		"and it happened that if the" should be "and if it happened that an".
"	27		Change "such control was exercised occasionally." to read "the clerks got boxed in the ears."
11982	10		Change "side reporting" to "site".
11984	3		Change "if he came to know" to read "if it became known".

Transcript	Page	Line(s)	PROPOSED CORRECTION
11984	9		Change "possible," to "bearable."
"	27		Delete "it is possible that".
"	29		Add "as clerks?" after "themselves".
"	30		Change "I can imagine" to "there was".
"	31		Last word "end." should be "office."
11986	5		Delete "even".
"	12		Change "runners," to "errand boys."
"	13,14		Change "primarily Farben employed juveniles," to read "that by Farben juveniles were employed,".
"	20		"from periods" should be "for periods".
"	21		Change line 21 to read "from 14 days to four weeks, and then they came to us again to be assigned to work."
"	26		"inmate" should be "inmates".
11987	19		Delete third word "work".
"	20		Insert "here" before "for you."
"	21		"these will be" should be "here will be".
11988	15		"personlying" should be "person lying".
"	25		Insert "the only" before "cases".
11989	22		"there was roll calls" should be "there were roll calls".
11990	9		"Now say that it did happen." should be "Now what was done?"
11991	2		Change "that Farben people or other civilians" to read "that inmates".
"	3		Insert "by Farben people or other civilians" after "aid help".
"	21,24		Change efficient output" to "work output".
11995	12		Insert "into" before "further trouble".
"	26		"measuro" should be "measures".

Transcript Page	Line(s)	PROPOSED CORRECTION
11998	14	Insert "before the Commissioner" after "examination".
11999	28	"18 June, 1912," should be "18 July, 1912."
12000	9	Change "directorate" to "company".
"	16	"were a special" should be "where a special".
"	22,23	Change "you had acted in a manner hostile to that Regimo?" to "you had held a more positive attitude toward that Regimo?"
12002	25	"a still plant" should be "a steel plant".
12003	29	Delete one of the two "to".
12004	32	"camp" should be "camps".
12005	18	"on shared" should be "one shared".
"	29,30	"a quilted blanket." should be "quilted blankets."
12008	21	"slipped over" should be "slipped on".
12009	26	"was surgeons" should be "as surgeons".
12010	6	Delete "only" before "allowed".
"	14	Change "did little" to "partook in few".
"	16	"there was" should be "there were".
12012	6	Insert "you" after "Could".
"	24	Insert "the employees of" after "directed to".
"	26	"It was also" should be "It was always".
12013	25	"laborer" should be "labor".
12014	18	Insert "a" after "there was".
12015	12	"He should" should be "You should".
12017	13	"to be exterminated" should be "of being exterminated".
12018	8	"Nennweuster" should be "Neumuenster".
"	11	"party" should be "partly".
12019	11	"at the plant" should be "at the camp".
"	17	Insert "in Auschwitz I." after "office".

10403 (-131-)

Transcript Page	Line(s)	PROPOSED CORRECTION
11998	14	Insert "before the Commissioner" after "examination".
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12002	25	"a still plant" should be "a steel plant".
12003	29	Delete one of the two "to".
12004	32	"camp" should be "camps".
12005	18	"on shared" should be "one shared".
"	29,30	"a quilted blanket." should be "quilted blankets."
12008	21	"slipped over" should be "slipped on".
12009	26	"was surgeons" should be "as surgeons".
12010	8	Delete "only" before "allowed".
"	14	Change "did little" to "partook in few".
"	16	"there was" should be "there were".
12012	6	Insert "you" after "Could".
"	24	Insert "the employees of" after "directed to".
"	26	"It was also" should be "It was always".
12013	25	"laborer" should be "labor".
12014	18	Insert "a" after "there was".
12015	12	"He should" should be "You should".
12017	13	"to be exterminated" should be "of being exterminated".
12018	8	"Nennweuster" should be "Neumuenster".
"	11	"party" should be "partly".
12019	11	"at the plant" should be "at the camp".
"	17	Insert "in Auschwitz I." after "office".

10403 (-131-)

Transcript	Page	Line(s)	PROPOSED CORRECTION
12021	8		"not know" should be "not have known". Also last word "arrive" should be "arrived".
12024	8		"Philipp Smoik" should be "Philipp Sonnik".
"	14		"Oberwechtmelster" should be "Oberwachtleiter".
"	23		Insert "In paragraph 5, he deals in detail with the treatment of the inmates in the plant." after "itself."
12027	24		Insert "was" after "this".
12029	11		Insert "compared to conditions" after "in general".
12030	5		Change "are divided or distributed to our" to read "were divided or distributed among our".
"	6		"work," should be "worker".
12031	4		"worked" should be "work".
12032	16		Insert "just" before "happened?".
12034	16		Change comma to period after "ourselves". Begin new sentence with "After all,".
"	17		"for me," should be "for us,".
"	18		Delete first word "so".
"	26		Delete "of" after "taking out".
"	27		"the work" should be "the works".
"	28		Delete comma and insert "that" after "emphasize".
12035	20		Change "of emergency at our plant" to "of urgency of our plant".
12036	11		Delete second word "were".
"	16		Change "Obviously," to "Apparently,".
"	20		Delete "they were".
"	21		Delete "that" after "precautions".
"	28		Change "when" to "whenever".
12037	10		Insert "so also" before last word "as".
12038	2		Delete first word "me".

Transcript- Page	Line(s)	PROPOSED CORRECTION
12038	23	Change line 23 to read "A.- Up to forty. There was a room for every three or four men."
"	28	Change "the inmates only worked about" to read "the output of the inmates was only about".
12039	14,15	Change from "we managers" in line 14 through line 15 to read "we managed with half the number of people in the time prescribed, instead of double that time as in Auschwitz. We counted two inmates as one according)".
12041	8	Change line 8 to say "A.- I cannot say that. I only requested the men that we needed to help the assembly workers."
"	27	"On the first" should be "From the first".
12042	5	"On July 5," should be "From July 5,".
"	24	Insert "in Wesseling." after "A.G."
"	25	Last word "ship" should be "shop".
"	29	"witness" should be "witnesses".
12045	3	"from the" should be "from them".
12046	7	"Waldeman" should be "Waldemar".
"	22	Insert "or on the" before "SS guards,".
12047	4	"is concerning" should be "concerns the".
12048	24	"will be 246." should be "will be Exhibit 245."
12049	1	"1106," should be "1108,".
12051	28	Change period to comma and insert "dated 9 December 1947." after "Gustav Daur".
12052	5	Insert "dated 6 January 1948," after "Willy Jaeger,".
12053	5	"1031." should be "1931."
"	6	"Reide," should be "Heide,".
"	13	Insert "dated 31 January 1948," after "Geittner,".
"	19	Insert "named Joachim Schultz-Bundto, that is, a member of" after "Beta-A.G.,".

10403(-133-)

Transcript	Page	Line(s)	PROPOSED CORRECTION
12055	2		Change period to comma and insert "dated 10 September 1947." after "Mueller".
12056	30		"Page 15" should be "Page 19".
"	33		"Page 19" should be "Page 21".
12057	4		"298" should be "398".
"	10		"25 October" should be "15 October".
"	26		"We might turn" should be "We then turn".
12058	2		"20 December" should be "29 December".
12061	18		Place comma and insert "Document No.1191," after "affidavit".
"	20		"328." should be "327." Insert the following after line 20 and before line 21: "On page 52, Document No.1195 is an affidavit of the calculator Gabriel Karl, dated 28 February 1948. It will receive Exhibit number 328."
"	22		"1198" should be "1196".
12062	4		Change comma to period after "Kloenne". Begin next sentence with "The affidavit is dated...."
12067	9		Change "Book" to "Frick,".
12068	31		"Book SVII." should be "Book XVII."
12070	2		Insert "dated 1 November 1942," after "Management,". Also "at the camp" should be "at camp IV".
"	5		Change "from 2 November to 15 November 1942." to "from 19 October to 1 November 1942."
12071	18		Delete last word "of".
"	26		Last words should be "Exhibit 387."
12074	3		Second word "are" should be "were". "which come" should be "which came".
"	7		Third word "do" should be "did".
12075	12		Insert "arising" after "occasion".
"	13		Delete first word "arising".

Transcript	Page	Line(s)	PROPOSED CORRECTION
12076	27		"has been" should be "had been".
"	28		"this index" should be "the index".
12079	29		Insert "an affidavit of the engineer Kurt Kochler, dated 22 January 1948, on page 119," after "1421,"
12080	21		"has analysed" should be "had analyzed".
12081	15		"he was Jew." should be "he was a Jew."
12083	1,2		Change "which they clearly are being" to "and which are clearly being".
12086	13		"World War III." should be "World War II."
12087	15		"554." should be "444."
"	26		"456." should be "457."
12090	5		Insert the following after line 5 and before line 6: "during Buetevisch's cross-examination, NI-14304, Exhibit 1977 and to a document submitted".
"	15,16		Delete as repetition lines 15 & 16.
12092	12		Change entire line to read "A. The Urbanization Process in".
12094	4		"Verweltungs" should be "Verwaltungsrat".
"	6		"Mr. Gritzer?" should be "Mr. Kritzer?"
"	8		"Secreterist," should be "Secreteriat,".
"	32		"an Empire" should be "a British Empire".
12095	29		Change "for Culture at North-Rhine — that is " to "of Culture for the North-Rhine —"
12096	12		Change "to his death" to read "to the death of Geheimrat Duisberg".
"	28		"that is is" should be "that it is".
12097	18		"The documents, as he cited," should be "The Prosecution documents, which he cited,".
"	19		Delete last word "which".
"	20		Change line 20 to read "concerning the applicable regulations".
"	24		"documents" should be "document".

10403 (135-)

Transcript	Page	Line(s)	PROPOSED CORRECTION
12099	18		Change "Scherin, Riedel, De Hann," to "Schering, Riedel, De Hahn,".
12100	32		Insert "so-called" before "report".
12102	5		Add the following after line 5: "Q. Where was this Eastern Office (Ostbuero) located? A. In the Office of the Four Year Plan."
12103	1		Delete entire line.
"	2		Place "Q." at beginning of line and change first word "Court" to "Could".
12104	2		"After the new" should be "That was after the new".
"	3		Place period after "March 1934 —."
"	5		Change period to comma after "left," and continue sentence with next word "this".
"	6		Change period to comma after "1934," and delete "Then," before "I was in charge".
"	14		Change "was added to me" to "was included in my"
"	28		Change "until the fall of 1943," to "in the fall of 1933,".
12106	3		Change "that recently." to "that now."
12108	9		Change "Department and the Propaganda Ministry," to "Department of the Propaganda Ministry,".
12109	17		Change "since 1944?" to "since 1933?"
"	19&ff		Change "Hans Just." to "Hans Johst".
12110	22		Change "receptions on trips," to "receptions or trips,".
12111	22		Change "Very well of documents those," to "Very well. Of these documents,".
12113	3,4		Change "and certainly not before 1937." to "and perhaps only in 1937."
"	23		Change "EI-13416" to "EI-14316".
12114	8		Change "was authorized" to "was instructed".
"	12,13		Delete "in the case of emergency, was that the installation of this telephone". 10403 (-136-)

Transcript	Page	Line(s)	PROPOSED CORRECTION
12114	22		Delete "free and" before "extensive travel".
12116	2		Change comma to period after "industrial propaganda." and insert comma after "Since,".
"	7,8		Change "progress" to "program"
12117	25		Change "then," to "them,"
12118	23		Change "If he had had this position," to "If he had this position,"
12119	16&ff		Change "Excellence Schnee" to "his Excellency Schnee"
12120	25		Change first word "Socialism," to "Socialist,"
12121	6		Change "in the Party" to "in particular"
"	23		Change "Herr Schaht's" to "Herr Schacht's"
12122	13		Change "always in view of Nazi" to "always with reference to Nazi"
12123	26		Change "definite matter," to "definite manner,"
12125	14		Change "the Carl Schurz work and you?" to "a deferment of your person?"
12126	17		Change "Dr. Berger" to "Dr. Braeger"
12130	8		Insert "building amounted to 120,000 pounds, and the total value of the" before "equipment amounted".
"	9		"Of this equipment" should be "Of this amount, equipment".
"	30		Delete comma after "alexarin".
12133	10		"I.G. Duostuffs," should be "I.G. Dycostuffs,".
12134	31		"cell instructed" should be "call they instructed"
12136	3		"not principal printed" should be "not printed".
12137	8		"been in Manchester." should be "been in Manchester."
12138	30		"we advised" should be "we were advised".
12143	5		"1933" should be "1931".
"	10,11		"did no longer exist" should be "no longer existed".

10403(-137-)

Transcript

Page	Line(s)	PROPOSED CORRECTION
12145	20	Place comma after "Ferber".
"	27	First word "in" should be "with".
"	30	"ethylanol" should be "ethyl alcohol".
12148	27	Insert "when" before "he went".
12149	22	Change "concerning" to "as regards".
12150	11	"at the time that" should be "at the time when".
"	26	Change "competency," to "competition,".
12152	29	Place quotation marks after "Industry."
12153	1	"document" should be "documents".
"	5	Insert "a" after "held".
12154	1	"book I." should be "book II."
"	6	"Herrle." should be "Herle."
"	17	Place dash after last word "reasons".
"	26	"officiels" should be "official".
"	28	Insert "policy" after "trade". Also place comma after "Referat".
"	31	Delete comma after "inquiries" and also following words "and to have official inquiries".
12155	7	Place quotation marks and comma after "Abteilung".
"	28	Place comma after "organic".
12157	7	Insert "out" after "carried".
"	24	"Croon." should be "Kron."
"	28	"Wip." should be "Wipe."
12158	2	"the state secretary" should be "the secretary of the state commissar, Dr. Bilgeri,".
"	20	Add "the" after "This is".
"	21	"except" should be "excerpt".
"	23	"Dr. ter Heer." should be "Dr. Terheer."

10403(-138-)

Transcript Page	Line(s)	PROPOSED CORRECTION
12160	7	"DAG" should be "DEHAG".
"	29	"the Wip" should be "the Wipo".
12162	10	"coporate" should be "corporate".
12165	19	"as affidavit" should be "an affidavit".
12167	1	Place following line before line 1: "THE MARSHALL: The Tribunal is again in session."
"	13,14	"of supporting" should be "to support".
12169	16	"Document NI 2,799," should be "Document NI-3799,".
"	25	"Administration" should be "Committee".
"	27	Change "affidavit" to "connection". Insert "in the affidavit" after "contained".
12170	14	Delete "and see" after "to try".
12171	2,3	Change from "Sturmabfuhrer," in line 2 through line 3 to read "Sturmabfuhrer z.b.V. (zur besonderen Verfuigungen), meaning "for special missions."
"	7	Last word "he" should be "I".
"	10	"racial" should be "radical".
12172	13	"368," should be "378,".
12173	15,19	"Waibel" should be "Weibel".
"	16	Insert "together with the Wipo" after "contact".
"	25	Delete last two words "of the".
"	26	Change "ZVB" to read "z.b.V. (for special duties)".
12174	24	"were in favor" should be "was in favor".
12176	9	"remain" should be "remained".
"	10,11	Change "his activity in 1935, I had to resign" to read "his influence, I later, in 1935, resigned".
"	18	Change comma to period after "Exhibit 39". Begin new sentence with "The efficient" and insert "of the administrative department" after "chief".

Transcript Page	Line(s)	PROPOSED CORRECTION
12177	19	"Document 350," should be "Document 35,".
12178	4	Delete quotation marks after "circle."
"	8	Delete quotation marks before "Roehm".
"	19	Place quotation marks after "time on."
12179	1	Delete comma after "when".
"	2	Delete "according to Dr. Gattineau,".
"	13	"Hochm" should be "Roehm".
"	21	Change "commission" to "formation".
"	27	"plent." should be "plen."
"	28	"policies circle," should be "policy field,".
12180	5	Change period to comma after "Document 106" and complete sentence with "an affidavit of Johann Georg Stelling."
"	18	Insert "military" before "maneuver."
"	19	"the police," should be "the political agencies,".
12181	2	"longer" should be "long".
"	25	"which did" should be "which went in for".
"	28	Second word "if" should be "of".
12182	5	"The Jewish" should be "Two Jewish".
"	17	Place comma after "still".
"	27	Change and complete line 27 to read "As a club leader and an active hockey and tennis player, Dr. Gattineau directed his activity to sport simply and solely as a neutral-minded sport enthusiast and he eliminated any political activity in that connection."
12183	1,3	Delete entirely lines 1, 2 & 3. (as repetition)
"	6	Change "I mention this from his affidavit." to "He says further:" .Place quotation marks before "Dr. Gattineau".
"	9	Place quotation marks after "espionage."

Transcript Page	Line(s)	PROPOSED CORRECTION
12184	13	Place question mark after "AO" and delete following words "on the Foreign Organization?"
"	31	Change "von Wittwer" to "von Wipperf".
12185	8	"NI-5157 on page 8 of Book 28." should be "NI-5170, Exhibit 27, on page 8 of Book 3."
"	22, 23	Change "after two months previous to that I had been released" to "after having been released just two months previous to that".
12186	30	"I had to find" should be "I found out". Also delete last word "on".
12187	14	"On 17 April," should be "On 14 April,".
12188	1	"March 1937" should be "March 1947".
"	11	Place comma after "vitee". Change following words "in Book 28, on Page 3" to read "Exhibit 28, on Page 9".
"	12	Insert "Book III." before "Also,".
"	13	"Exhibit 293" should be "Exhibit 291".
12189	24	Place quotation marks after "amounts:".
"	27	"in 1945," should be "in 1944,". Also insert "is" before "to be".
"	28	"Kc are to be converted" should be "Kronen are converted".
"	29	"but this made the purchasing power and relation" should be "but the purchasing power relation".
"	30	Change "Kc very unfavorable in 1932." to read "Kronen in 1942 and 1944 was more unfavorable to the Slovakian Kronen."
12190	4	Insert "to be" before "stricken".
"	5	"muste" should be "must".

Page	Line(s)	PROPOSED CORRECTION
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Nuernberg, 5 June 1948
Date

By _____
D.A. Sprecher
for Telford Taylor

By _____
Dr. Rudolf Dix
for Defense Counsel, Case VI

Official Transcript of Military Tribunal VI,
Case VI; in the matter of the United States of
America, against Carl Krauch et al., defendants
sitting at Nurnberg, Germany; on 2 April 1948,
0900-1645 hours, Judge Shake, presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal VI is now in session. God save the United States of
America and this Honorable Tribunal. There will be order in the Court.

THE PRESIDENT: You may report, Mr. Marshal;

THE MARSHAL: May it please your Honors, all defendants are present
in the courtroom with the exception of the defendants Lautenschlaeger
and Haeffliger absent due to illness; the defendants Furster, Oster, and
von der Heyde excused from today's session by the tribunal.

THE TRIBUNAL: Any announcements? You may continue, counsel.

DIRECT EXAMINATION

WILHELM MANN - Continued

BY DR. TIERCK:

Q.- Mr. Mann, you explained yesterday the situation of the pharma-
ceutical business in France. You said that already before the war you had
decided to build up your own production plant of pharmaceuticals in Fran-
ce in order to be able to compete better. You had described to the Tribu-
nal the patent situation in France, and you had testified by pointing to
documents submitted, that the change in the French patent legislation in
regard to pharmaceuticals was carried out at the definite request of the
French industry, and that that change in the patent law is still in force
today, which protects pharmaceuticals from imitation. I now turn to the
negotiations proper conducted between I.G. Farben-Bayer and Rhone-Poulenc.
First I want to ask you, what were the reasons, the outer causes, that
made you carry on these negotiations? What was the position and the at-
titude of the government about these negotiations.

A.- After the armistice agreement with France had been concluded, a

10404

Final Joint Opinion of the Panel
written and signed by the Panel
Judge, Trans. Case 6 - Item Page
10404 This 12130 filed before this
Trans. 10403 (1-142)

new situation arose. It was understandable that I desired first to find out what had become of our agency in Paris during the war. My first reason to undertake a trip to Paris was to take up connections with our branch there, or to reorganize our agency there. Furthermore, it was understandable that we remembered the pre-war plans in Leverkusen and we now desired to find out on the spot what possibilities presented themselves under the new circumstances to carry these suggestions into effect. We had always been clear on the point that the most fortunate solution in France for an economic cooperation would be to achieve some sort of understanding with the firm of Rhone-Poulenc. From among all firms which might have been considered for this understanding, the firm of Rhone-Poulenc, because of its position, its scientific work, and especially because of the relations that already existed, that firm was the only French firm that came in question for such an understanding. Beyond that a new situation had arisen in principle, because pursuant to ideas expressed by the authorities already before the war, the official circles as well concerned themselves with the question of a closer collaboration of both industries of both countries. In these pre-war negotiations that I mentioned, the committees of both countries had fixed a policy for both Germany and France. That was in January 1939. This policy stipulated that both government committees agreed to promote the economic collaboration of both countries in every way possible. In that connection one thought of calling in the credit institutes and private capital as well. The collaboration was to extend to joint work on large projects, agreements about prices and markets. This policy of understanding decided upon before the war by Germany and France can be found in a circular letter of the Reich Group Chemistry dated 17 January 1939 — Mann Document 339, Exhibit 193, Book 4, page 38. At the time we supported these endeavors very strongly because we were convinced that they were the basis of overcoming the difficulties that we encountered in France.

After the armistice the idea of taking up the pre-war plans by private enterprise came again into consideration and especially sticking to the policy that had been agreed upon before the war by both committees. The German government, however, was no longer of the same opinion after the armistice as it had held before in regard to the manner of carrying out this policy. And from a number of regulations issued at those times one can see that the idea of the connection and overlapping of economy was an idea of the government that provided that the economic potential of France was to be made use of in the general war effort of Germany. In order not to lose too much time, I want to read a few document numbers which contain such regulations of the government. Documents 341, Exhibit 194; Document 342, Exhibit 195; Document 343, Exhibit 196; and Document 649, Exhibit 197 — all in Book 4 from pages 38 to 48. In these regulations it was first laid down what was understood by the term "economic unison" and it also contained, for instance, a regulation of Goering in regard to making use of the economic potential. These regulations also clarified that according to the preamble of the armistice agreement, the German government was going to demand retribution for damages that they had allegedly suffered from the Versailles Treaty. And in this room we have heard the witness Schlotterer, when he was interrogated by Dr. Siemers, who explained the intentions and confirmed the intentions of the Reich Ministry of Economics at the time. I want to make it quite clear, however, that we did not join these plans of economic integration. On the contrary, I imagined that an understanding achieved on private industrial bases, independent from these regulations, I would say, in anticipation of government measures that were to be expected or that might possibly be contained in the peace treaty, that we already at that time, so to speak, would have been in agreement with Rhone-Poulenc so that the mutual interests would have been served. One might have been able to explain to the government: "We have already achieved an understanding

-- also for the past -- that settles our affair."

Q.- Exhibit 1241 of the Prosecution in Book 59 is a report submitted by the Prosecution containing notes about a trip undertaken in August 1940 to Paris. You took part in this trip. What have you to say about it?

A.- This trip was caused by what I have just described -- the reorganization of the agency in Paris -- and besides that I wanted to check the possibilities that were given to bring about an approach of ourselves to Rhone-Poulenc. From the very beginning, and I always maintained that policy, I wanted three aims. One, to bring about collaboration with Rhone Poulenc by way of founding a joint sales combine. Second, to establish scientific and technical collaboration with an exchange of production and experiences. Third, in the course of these negotiations, the differences of opinion that had occurred in the past for instance that had arisen from the imitation of our products should also be provided for in the contract. These plans, of course, I had to discuss with the authorities before. For one reason because at the time the manner in which the German government managed this economic integration was not known to us as yet, and I wanted to evidence these official measures. Therefore I had to find out how I could learn what their aims were. Furthermore one couldn't simply travel to the occupied territory. I was given a permit to do so only after previous consultation with the government about my plans. So I first conferred with the armistice delegation, as can be seen from this Prosecution Exhibit 1241. These negotiations were of one-sided nature. I just asked what the situation was. In regard to this report itself, I must say that it isn't drawn up by anyone belonging to Bayer. This report was never at Leverkusen, and I certainly never approved of it. The description of the events as such I can confirm. I only say that in regard to formulations for which the author is responsible and not I. The subject matter contained therein about the dis-

Court No. VI, Case VI

cussion of plans is quite correctly represented in the report. We ourselves, that is my colleague Dr. Brobel who accompanied me on the trip, and I, we didn't take any record at the time. We considered this visit as merely informational, and it was the purpose of this visit that we might be able

to tell our desires and plans to the German agencies which was going to procure for us the necessary freedom of action. In regard to this statement I want to refer to Document 322 which was offered as Exhibit 195, Book 4, page 41. The expert of the department, Mr. Schmitz, says, and I quote: "This document was at no time part of the business files of Leverkusen. If this document had reached the Sales Combine Pharmaceuticals, it would have come to my knowledge since I was the expert on the business with France." He adds, "The statements in the report about a pressure that was considered necessary, can not have been made in regard to the agreements that we wanted to reach with Rhone Poulenc." He says further that from the conferences that he had with W. R. Mann from the time before and after the negotiations about Rhone Poulenc, he knew that direct or state pressure was to be exerted to achieve agreement with Rhone Poulenc. "Mr. Mann's endeavor that he expressed to me and the instructions he issued to his subordinates were always directed to the effect that the negotiations with Rhone Poulenc were to be conducted in a proper and fair business manner."

Q Mr. Mann, apart from this remark about a pressure that was allegedly considered necessary, other passages from the report were also considered incriminating. Therefore please make short statements about that.

A On page 42 of the trial brief, there is an indication about the chief of the economic department of the German occupation authorities in Paris, Ministerialdirigent Michel. This man had the idea that this was the "historical chance." It can be seen from this formulation quite clearly that that was Michel's opinion. He was the representative of the German agency. On page 43 of the trial brief it is stated further, "Farben prepared and submitted a memorandum to the government which said that by way of a license agreement, and the obligation to obtain permission for starting production, an indirect pressure might be exerted." I state in that connection that we, the

Bayer Sales Combine, never demanded with the German authorities in Berlin or with the German agencies in Paris that the French were supposed to get permission first when they wanted to start operations. In that connection I refer to Schmitz Affidavit 348, Exhibit 200 in Book 4 on page 52. I don't have to quote from this document. About the question you put to me I want to say further that "The further purpose was to gain fifty-one percent participation in Rhone Poulenc." I must say that statement is completely incorrect, for at that time we didn't have the intention of participating directly in Rhone Poulenc. From all documents that I shall still present it can be seen clearly that according to my original idea, until the moment when negotiations were started -- that is to say in the case of all preliminary negotiations -- either with the French or with the German agencies or with the Paris people -- we only discussed a sales enterprise -- a joint sales enterprise. I must further say in regard to this exhibit that it mentions a memorandum about the Rhone Poulenc situation. That is undoubtedly the VOMI report that has already been discussed yesterday, submitted as Exhibit 1262, and which was probably submitted to Mr. Michel in order to give him some idea about the firm of Rhone Poulenc, for this Michel had no idea what the firm was.

Q Did you, Mr. Mann at any time, delay negotiations with Rhone Poulenc in order to make them more ready to give in to your demands?

A No. In Prosecution Exhibit 369, Book 49, a transcript of a commercial committee meeting of 25 September 1940 has been submitted. This says: "It is agreed that first one is to take up a delaying attitude about negotiations to be conducted." This is not correct. Three days after this date I already conducted a conference with the Ministry of Economics about the Rhone Poulenc affair, and ten days after this commercial committee meeting on

2 Apr 48-M-MB-2-3-Mills (Int. Katz)
Court No. VI, Case No. VI.

8 October 1940, the first official contact was established. This is
proved by Exhibit 1262 of the prosecution.

Q What were the results of your conferences with the Reich Ministry of Economics, of the 28th of September, 1940, which you have just mentioned?

A About this conference we have the original minutes which have been submitted as Document 353, Mann Exhibit 202, in Book 4, on page 54. I only want to quote generally from this document, and describe the course of the negotiations. First of all, I was reproached that I had gone to Paris without consulting the Reich Ministry of Economics. Then I was told that they had heard that it was intended to paralyze the pharmaceuticals industry in France. It was intimated that it was Farben's intention to paralyze that industry. I immediately replied that that information was incorrect, and then I divulged my plans to Mr. Mulart of the Reich Ministry of Economics, which coincided completely with what I termed previously the three aims I had in mind.

In addition, however, we also treated the patent questions that I am not now going to reiterate because that chapter has been completely exhausted already. In this report, I myself said that I had to state as a matter of principle, that in the course of my negotiations I had not thought of participating directly in the French Pharmaceuticals industry. The Government Agencies too were quite clear that we were concerned about a sales enterprise.

Q When were you in Paris for the second time, Mr. Mann? Did you then take up direct negotiations with Rhone-Paulenc?

A Yes. That was the beginning of October. I again visited the German authorities of the Economics Department, Dr. Kolb, - the Prosecution has submitted Exhibit 1263 in Book 59 in that connection, and there it is so stated, "Rhone-Poulenc was difficult about a co-operation with Bayer".

I must admit that that is quite inexplicable to me for Dr. Kolb had no mission to conduct any negotiations. However, from this same Prosecution exhibit, I take it that he did talk to these people

for other matters, - inorganics and synthetic fibres. Dr. Kolb never said this to me, and during the course of my negotiations with Rhone-Poulenc, this was never discussed.

The essential thing of this visit, as it is described in the Prosecution Exhibit 1263, was that I told these people that I was now starting negotiations and as is customary in the course of private industrial negotiations, I did so through an agent.

Q How was Mr. Faure-Beaulieu called into your negotiations with Rhone-Poulenc, and who was Mr. Faure-Beaulieu?

A Faure-Beaulieu was an old acquaintance of mine whom I had known for many years. We had frequently discussed the problems between our countries, and we had reached an agreement about our opinions, about economic collaboration. Mr. Faure-Beaulieu also knew the people from Rhone-Poulenc, and therefore he was very suitable to be our mediating agent. He explained to me at the time, after I had set forth my plans to him, that he was going to make his services available for mediating in the interests of the French Industry, and because he expected that I was not acting as a representative of the then victorious German power, but as a private business man, and only because I wanted to carry out private business.

Mr. Faure-Beaulieu knew, of course, that I could not conduct negotiations without the approval of the authorities, but as is shown by the further course of the negotiations, the authorities never took part. For completeness sake of the record, I want to say that Documents 378, 379 and 346, - these are Mann Exhibits 208, 218 and 219, - should be made part of this description of mine.

Q In Prosecution Exhibits 1264 and 1265, both in Document Book 59, are two documents dealing with the negotiations that Mr. Faure-Beaulieu conducted by reason of the so-called memorandum on the 18th of October, 1940, with the people from Rhone-Poulenc. What have you to say on that score.

A This so-called memorandum is in the Prosecution's Document

Book No. 59, as Exhibit 1265. I must correct myself, - this is the note which the Rhone-Poulenc people made about the memorandum, and in this note that I want to quote, it is stated: "File note of Mr. Bo and Wandling, the two French gentlemen, by reason of having read the original note of Farben signed by Mr. Mann, and countersigned by Mr. Faure-Beaulieu, and submitted by him on the 8th of October, 1940."

From this something can be seen that I wanted to state right now, namely, that the people from Rhone-Poulenc knew the contents of the memorandum containing my suggestions before we started the negotiations. The copy of the file note itself is apparently dictated from memory. It does not correspond exactly to the memorandum, but that is not important because both parties recognized the memorandum as an official document.

Q What was the subsequent course of development of the negotiations after this memorandum was drawn up?

A After the memorandum was drawn up we did not undertake anything on our part. I preferred to ask Mr. Faure-Beaulieu to conduct the negotiations on the basis of this memorandum with the people of Rhone-Poulenc, on his own. Therefore, the memorandum which formed a basis for all subsequent negotiations, I want to deal particularly with here. I want to say further, this document, Mann 353, was introduced under Exhibit Number 203, Book 4, Page 58.

In this memorandum the most important points are: private contacts is to have the purpose of sounding out the possibilities for an understanding that exists. Then there is a reference to our requests about the patent protection. Then it is pointed out that reconstruction of the trademark rights is going to be undertaken on the basis of German Government measures, and then necessary price controls are pointed out which are to be agreed upon between the industries. About these points I say that they were all affairs dealing with the intentions of the German Government, as far as I know, as they were published in their official publications.

The remaining part of the memorandum contains the private industrial suggestions for drawing up a sales enterprise in collaboration with Rhone-Poulenc. There is nothing contained in this about a participation in capital, but something is essential in this memorandum, and that part has not been submitted by the Prosecution. It says in this memorandum, and I quote: "Farben is ready to have their new products sold by the joint sales enterprise also to France and to its colonies so that in the future Rhone-Poulenc will take part automatically in the new products for the sales territories mentioned." That is France, her colonies and her mandated territories.

This document already stipulates what we considered the collaboration should be.

Q According to Prosecution Exhibit 1268 in Document Book 59, on the basis of information received from your Paris agent you again brought about a conference in the Reich Ministry of Economics, on the 11th of November, 1940; what was the purpose of this conference?

A During this conference, which is described in the Prosecution Exhibit you mentioned, the contents of the memorandum were reported about, and also I reported that Mr. Faure-Beaulieu had taken up negotiations in the meantime, and also that Rhone-Poulenc had expressed its readiness of taking up negotiations to achieve an understanding with us.

May I refer to my Document 362 in that connection, which is Mann Exhibit 205, and which is a letter dated 19 October, 1940, of our agency discussing the conversation between Mr. Faure-Beaulieu and President Buisson of the Rhone-Poulenc Enterprise? At the end it says, and I quote: "The general impression is that the people from Rhone-Poulenc actually want to conclude a friendly agreement with us about a possible collaboration."

That was the important content of my conversation with the Reich Ministry of Economics. One might perhaps add that in the Prosecution exhibit, my statement is also contained. There I say that upon the request of Rhone-Poulenc I said explicitly that whatever kind of agreements were going to be reached, the existing production capacity of Rhone-Poulenc should not be affected by it in any way.

Q You have explained that you did not first intend any direct capital participation in Rhone-Poulenc, and that your conversations with the authorities, with your agents and with Mr. Faure-Beaulieu, confined themselves only to the idea of achieving an understanding with Rhone-Poulenc on the basis of a joint sales enterprise. Can you supplement these statements in any way; have you any further documents?

A Yes, I consider it very important that it should become quite clear to the Tribunal that these were not negotiations conducted about a direct participation in the capital, but rather that all parties were quite clear that they were negotiating about a joint sales enterprise. One should not assume that in the course of the negotiations about a sales enterprise, many military people are called in. That never was done.

An Exhibit for the foundation of a sales enterprise might be considered Document 353, which is Exhibit Mann 202. That is a conference at the Reich Ministry of Economics of the 28th of September, 1940.

Prosecution Exhibit 1263, a conference of Mann and Dr. Kolbon 4 October 1940.

Furthermore, my document 355, I mentioned this already.

It is my Exhibit 203; it contains a further note dated 5 October 1940; again mentioning the Sales enterprises. Furthermore, in Prosecution Exhibit 1264, discussion of the 8 October 1940, then the Prosecution Exhibit 1265, a conference of the 9 October 1940, and furthermore Prosecution Exhibit 1266, the Pharmaceuticals Main Conference in Leverkusen dated 11 October 1940, this can be seen, and I want to interpolate that here, that my pharmaceutical colleagues were informed about my aims in regard to the Sales Enterprise.

The next is Prosecution Exhibit 1268, conference of myself with the Ministry of Economics on the 11 November 1940.

The next is my Document 345, that is the Commercial Committee meeting of the 12th of November 1940, where I again talked about the negotiations. This document bears my Exhibit 199.

The next is my document 363, Exhibit 206, Conference with Mr. Faure-Beaulieu on the 15th of November 1940, and in conclusion, my Document 364, Exhibit 207, a conference with Mr. Faure-Beaulieu on the 19 November 1940.

Q You have now described the preliminary negotiations. I now ask you to please tell the Tribunal how the direct negotiations were conducted with the leading people of Rhone-Poulenc.

A I must say first that I had in mind from the beginning, that an understanding would be desirable for both parties only if the three aims that I have already set forth here would be fulfilled, and therefore, it was quite clear that only a cooperation of a mutual nature, and on the basis of a close, scientific, technical collaboration had any expectation of success.

Altogether, three contracts were concluded. Each one has its own history, but all of the contracts must be considered together, and one cannot simply, as the Prosecution does, take out one contract and try to pick out from it those passages that one believes to be objectionable, without taking the other contracts into account.

Q Who were the Rhone-Poulenc people with whom you negotiated?

A Mr. Buisson, the President, the Director General Grillet, and the then Deputy-Director General, Mr. Bo.

Q Did any German authorities participate in your negotiations?

A No.

Q How did the negotiations of the 29 of November come about?
What was the course of these negotiations?

A On this day Mr. Buisson invited me to lunch. He wanted us to discuss the problem amongst ourselves first. I was very happy that I could develop my ideas to him personally. He himself was, of course, informed by the memorandum, and in the course of this lunch we really found out that we were in complete agreement, in regard to the principle of collaboration. There were differences of opinion about the nature of the cooperation, and we left from this lunch with the arrangement that in the evening I should talk to his people in his absence. This conversation took place in the evening, and as is customary for business talks of this nature, one agreed on some points, and on the other points one was not in agreement.

Q What did you discuss first?

A At this conference I touched upon the question of a capital participation for the first time, a question which was necessary and self-evident, for we were ready to enter into such close cooperation in the future, that the simplest form of coordinating our opinion, would have been of participating directly in the capital.

The gentlemen then stated to me that that was not possible; that their business was only a pharmaceutical business to a one-half turn-over. The firm of Rhone-Poulenc produced other things as well, and that therefore the separation would be difficult; that the question of the amount of capital in Rhone-Poulenc was opposed to our participation and after I had heard their reasons I said to these people that I understood and that I would not deal with the subject any further.

2 Apr. 48-11-GJ-4-4-Stewart-
Court 6 case 6

Q What happened after the question of capital participation had been discussed?

A We discussed the memorandum, and there we discussed the Sales Enterprise mainly, and here difficulties crept up again.

I would like to emphasize that the interest of achieving understanding was very great; also in the case of the people from Rhone-Poulenc. But the difficulties of bringing about this agreement were very great as well. I thought in the case of the sale enterprise that that enterprise should sell our products and also Rhone-Poulenc's products, and that we would bring part of our business into the joint new business. But the people had misgivings about this suggestion, such misgivings that I had to agree were quite correct. First it was the political situation. For the immediate future, one could not see much advantage in a mixed German-French enterprise, although I want to make it quite clear that we had, of course, the intention of permitting the French to lead this enterprise unreservedly. Any other consideration would have been impossible from a business point of view. But the negotiations failed in one main point. I was of the opinion that we should participate in the amount of 51 per cent in such an enterprise, a claim which I considered justified, for if one compared the scientific-technical achievement of Bayer with that of Rhone-Poulenc, it would be clear to anyone who wants to investigate the historical achievements that we had discovered many more things in the pharmaceutical field, so that we were the ones that gave our knowledge. But I nevertheless understood it when the people from Rhone-Poulenc said that they were opposed to that. Therefore, negotiations were terminated at that point. We didn't see how we were going to get any further.

Q.- I must first interpolate one question here. In the minutes of the negotiations, it is said on the point of this negotiations of the 29 of November that you stated that you came on order and by approval of the German Government. How about that?

A.- That I was negotiating with the approval of the German Government is quite correct. I have already explained that I had to get in touch with the Reich Ministry of Economics to get permission for these negotiations and

that I also contacted all the military agencies in order to get their permission. I had no directive from the government referring to the Rhone Poulenc case. I had no order from the government and didn't want to have it, because I wanted to conduct negotiations on a private business basis. I knew merely what the German Government's opinion was at the time, and I would say that that passage in the minutes is not correct, if it says "on order and with approval". The emphasis should be put on the words "with the approval". From what I am going to say next, it will become quite clear that Rhone-Poulenc also was not of the opinion that I was a representative of the Government. They knew that I came to them in my capacity as Chief of Bayer. You can see that from the luncheon I had with Monsieur Buisson.

Q.- After an agreement had not been achieved about a joint sales enterprise, what was the further course of negotiations?

A.- Monsieur Grillet, who had much knowledge about the variety of products of both firms, suggested, as can be seen from Prosecution's Exhibit 1269, that the firm of Rhone-Poulenc was ready, in view of the subsequent collaboration in the future, for the new products, and we should forget about the difference of opinion that had been created in the past. He was going to do that by declaring themselves ready, and in the case of those products where they had infringed against our priority rights -- and this expression "infringed" originates with Monsieur Grillet -- that in the case of those products they were prepared to pay us a certain licence fee. I never asserted that it was a legal violation that Rhone-Poulenc committed, but it was of course de facto a serious damage that we suffered. Obviously Rhone-Poulenc had agreed amongst themselves to clear up this question with us, for the list that Monsieur Grillet took up was already draw up, and we checked off the products that he had on his list together. I may mention briefly here that this original list is Document

372, my Exhibit 209; and in the same affair, Document 628, my Exhibit 210; and also, so to speak, to explain both previous documents: a witness' statement, Document 373. That is the witness Werner Schmitz, Mann Exhibit 211 in Book IV, page 80. It was extremely interesting and impressive that there was no difference of opinion about the list that Rhone-Poulenc had drawn up about the products they imitated. That was a very obvious thing for the expert.

Q.- Did Contract No. 1, which resulted from this conference on the 29 of November, remain in force the way it was drawn up, or was it abrogated or changed in any way in the course of time?

A.- In the course of time, the contract became so modified that nothing remained in force in it except the payment of license fees: that certain compensations were provided for that I shall describe later. Then I shall answer your question quite clearly. The contract did not remain the way it was. The negotiations were such that might be considered customary business negotiations. If one is fortunate enough, as I am, to have all documents available — a fortune which some of my co-defendants unfortunately do not have — then one can, of course, explain the entire course of events, and therefore I can submit to your Honors the documents which describe certain details of the negotiations from which one cannot only see the spirit but also the factual part of the negotiations. This is my Exhibit 212, Document 627, in Book IV, on page 81. This is an explanatory note that I will speak about in a short while.

Q.- Mr. Mann, what would have happened if in the negotiations of the 29 of November with Rhone-Poulenc or if at any later time, an agreement would not have been achieved with the affiant.

A.- We would have gone back to our pre-war plans and tried to achieve understanding with another firm; that is to say, we would have become a competitive firm of Rhone-Poulenc, and perhaps we would have remained

such a competitor as we were before,

Q.- In their trial brief, the Prosecution remarked on page 45 that Rhone-Poulenc payed the licence fees for absolutely nothing. Would you comment on that, please?

A.- In order to answer that question, one must not only compare the achievements on the basis of this contract as resulting from Contract 1, but also those achievements which were provided for in Contracts 2 and 3, I must first state that after Contract 1 was concluded, it was resolved that we would not insist on our own plans in France. After Contract 1 was concluded, we waived our biggest business, which was the aspirin business: From the license fees of 14 million that we received during the 39 months of the validity of these contracts, you can see what a tremendous business this aspirin affair was for Rhone-Poulenc, and we retired in this field as the competitors. We are the inventors of Bayer's aspirin.

In this Contract 1, we had talked about prices, about settlement of exported prices, and in practice this was later shown. We have a very authoritative judgment about this which explained how important this business was for Rhone-Poulenc and what Rhone-Poulenc gained from these arrangements. I must state that the remark "for absolutely nothing" is inexplicable to me when one considers the counter achievements that we made.

Q.- There is one further point, Mr. Mann, that needs explanation. That is the question of validity of the old agreements. According to Prosecution's Exhibit 1273 and 1274, both in Book 60, Rhone-Poulenc considered it very important that the declarations of invalidity of the old contracts be stipulated in new contracts as the opinion of the German Government. How about that?

A.- From a document that the prosecution has not submitted, which we offered as our Document 551, my Exhibit 275 in Book V, on page 117, it can be seen that the German Government did not have a uniform opinion about

2 Apr-M-FL-5-5-Gaylord (Int. Katz)

Court No. VI, Case VI

this. We relied at the time upon the statements that were made to us by the Economics Department in Paris. In the document that I have just mentioned, it is stated that these agencies were of the opinion that the pre-war contracts were no longer in force. But we also submitted other documents from which it can be seen what the official opinion was about this question -- and I mean official German opinion. For this purpose, I refer you to my Document 383, which bears Exhibit No. 276 in Book V on page 118. I further refer Your Honors, in connection with this question, to my document 557 which is my Exhibit 227 in Book V, on page 121. That is the interrogation of the witness Dr. Kuepper, who has already been mentioned by Attorney, Dr. Siemers, from which it can be seen that the French also were of that opinion, namely that international agreements had become terminated when the war broke out.

Q. Before I turn to Contract No. 2, I want to ask you in conclusion, Mr. Mann, in the course of your negotiations on the 29 of November 1940, did you have the impression that the Rhone-Poulenc people considered your suggestions as a pressure that you exerted? Did you make any ultimatum to them, or were the negotiations such as is customary in the case of free business transactions?

A. These were quite normal business transactions and negotiations, and the opinions of both parties were not at all in agreement on all points, and therefore the conversation sometimes became quite heated. The final achievement, however, that resulted at the end of this evening of the 29 of November 1940 gave satisfaction to all participants. Already at that meeting, on that evening when we allegedly were working with the pressure of the military power and with all sorts of improper methods where we allegedly forced Rhone-Poulenc to pay tribute to us for absolutely nothing--on that evening, Rhone-Poulenc asked us, after we had settled the difference of opinion that always had existed between us for 15 years, to extend our collaboration. In order to corroborate my statement, I submit my Document 668, which has been submitted as my Exhibit 226 in Book 5 on page 13. This is a letter of the firm of Rhone-Poulenc to Bayer of the 17 of February 1941. In this letter it is stated:

"We are using the opportunity of this letter in order to explain to you what the results of our negotiations were about the new project of collaboration. You will no doubt remember that in the discussions of the 29 of November 1940, Monsieur Grillet had expressed the desire that our collaboration be extended beyond the pharmaceutical products to other fields. This probably may be specified as follows:

- "1. To include insecticides;
- "2. To include synthetic resins and plastics;
- "3. To include synthetic rubber (buna).

"We inform you now of our desire for an extension in order to allow you to arrive at a decision ahead of our meeting, and to permit, as the case

may be, qualified representatives of other interested branches to take part in the discussion."

I believe that these statements make it quite clear that contrary to what the trial brief states, it was a fight between I.G. Farben and Rhono-Poulenc on this 29 of November, and no force or coercion was used. Then the result of this meeting would certainly not have been that the Rhono-Poulenc people expressed their desire to have our collaboration extended; and this desire for extension of collaboration, which by the way we met, can hardly be reconciled with the contention: you people from Bayer have come on behalf of or on order of the Government. I never asserted that I had come on order of the Government.

Q. What was the subject and the aim of your further negotiations with Rhono-Poulenc which brought about an agreement No. 2, the so-called "exchange agreement"?

A. I already stated that during negotiations of the 29 November, above all the memorandum offered that we were going to make the suggestion to Rhono-Poulenc of collaborating in all new products. These negotiations were to take place at Leverkusen, and we invited the gentlemen to come there. They were conducted there on the 25 of February 1941. Between this time and the 29 of November, many things had happened. First of all, the French had taken up contact with their Government in order to get permission or approval for Contract No. 1, and the Government had written to us -- or rather Monsieur Faure-Beaulieu informed us -- that the French Government should set down the point of view of reciprocity which had so far not been laid down. In regard to the old drugs and license fees, these were settlements of the past. Arrangements had been made previously. As a result of this information from Monsieur Faure-Beaulieu, we answered that: in the imminent negotiations to take place in Leverkusen, we would discuss this question of reciprocity automatically; that is to say, we already wanted to start negotiating about that anyhow. Thus in the course of negotiations in Leverkusen on the 25 of February when discussing the license agreement under

2 April ~~M~~JP-6-3-Gaylord (Int. Katz)
Court VI Case VI

Contract 1, the following was set down on the record in regard to reciprocity -- this is Document 398, my Exhibit 227, in Book V, on page 19 -- I quote;

"As to this question (and that is the question of reciprocity dealt with in Paragraph 6 of the contract) we may state that in compliance with the request of the firm of Rhone-Poulenc, Bayer is ready to adhere to the principles of reciprocity for the future. The directors of the firm of Rhone-Poulenc are authorized to inform the French authorities of this decision by the Bayer firm.

"A change in the articles of agreement is not considered necessary as this reciprocity will be the subject of a new agreement."

THE PRESIDENT: We will take our recess at this time.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: May I take a moment to correct the record made this morning to the effect that the defendant von der Heyde was absent on account of being excused. This was in error. The defendant von der Heyde was and is present. You may proceed.

I will correct what I said. He was present up until the recess and is now excused.

DIRECT EXAMINATION (cont'd)

BY DR. TULERCK:

Q. Mr. Mann, before the recess you stated that the mutual character of Contract 1 was established immediately after it was signed. Would you please describe to the Tribunal the course of the negotiations which led to the license agreement number 2.

A. On 18 December 1940 we had written a letter to the firm Rhone Poulenc which was submitted as Document 368, Mann Exhibit 213, Document Book 4, page 88. In this letter of 18 December 1940 we had described, in rough outlines, our plans for this second agreement. However, in this letter we once more brought up the question as to whether in view of the considerable significance and importance of our offer, Rhone Poulenc would, in the future, receive all the new products of Bayer, and whether or not in view of that offer by Bayer Rhone Poulenc would once more consider the question to give us a certain participation by capital in the firm Rhone Poulenc. We were thinking of twenty-five percent in that connection, and that figure is also mentioned in the letter. In reply we received a letter which was submitted as Mann 391, Exhibit Mann 221, Book 5, page 5. In this connection Rhone Poulenc writes, and I quote: "First of all we should like to inform you that we were very grateful for your invitation which you directed to us and that we welcomed particularly the way in which you wrote us. We also estimate highly your suggestion for scientific and technical cooperation which was expressed on page 4 of that letter. This suggestion is very much in accordance with our own desires. A mutual interest

in the results of the research work of our companies seems to us to be suitable to bring about a favorable atmosphere for the corporation we mentioned, and we give particular attention and consideration to these principles." Simultaneously I reported to the K.A. and to the Vorstand about the state of negotiations. The Documents 392 and 393 testified to that effect, and also Mann Document 223, 224, both of which can be found in Document Book 5 on pages 8 and 9. I should like to emphasize that our suggestion concerning the scientific and technical cooperation and the making available of new products was at first directed towards offering Rhone Poulenc such products and that in addition to that we wanted to sell the very same products under a different name in France. On the basis of the negotiations of 25 February we waived this right and we declared ourselves ready to leave it to Rhone Poulenc itself to sell all the new products. The agreement itself was made for fifty years in accordance with contract number 1. It provided that all new pharmaceutical specialities, with the exception of special fields, such as dental products, sera, and vaccines, should be handed over to Rhone Poulenc for their independent sale in France. With that agreement we forewent our own business activity in France. One must consider that a pharmaceutical enterprise can only sell its goods with any amount of success if it can continuously come out with new products. Can that not be done, industry gradually decreases in its ability to sell.

Q. What was the significance of your promise to the effect that in the future you would surrender to Rhone Poulenc all the Bayer products in the field of pharmaceutical goods for their own sale in France? Did you conclude any similar contracts to that effect?

A When describing the agreements, I mentioned yesterday that there were only two contracts -- the OMNIBUS contract and the Rhone-Poulenc contract. We renounced completely to our independent commercial activity and we also completely surrendered our experiences in the technical, scientific, and commercial field.

Contract number 2 is not mentioned to a great extent in the Trial Brief or in the Indictment and when introducing the documents, the Counsel for the Prosecution said that he was only mentioning that letter to show that there was further correspondence on that collaboration and that one might have to refer to it later. In that connection I should like to state clearly that Contract No. 2 constitutes the core of the entire agreement with Rhone Poulenc; and, with respect to the significance of that contract, I can best explain it if I refer to Document 404 which is Mann Exhibit 230, Book 5, on page 26, and to Mann Document 515, Exhibit 231, Book 5, page 7. It becomes apparent from these documents that these followed the plan to surrender to Rhone Poulenc our new products for France, French colonies, and mandated territories, and that it was so important for Rhone Poulenc, that two important events took place. First of all, they no longer heeded to imitate products. I should like to emphasize that imitation was, to a certain extent, a scientific and technical achievement and it was connected to a certain amount of work and experience. Now, however, Rhone Poulenc automatically received all the new products from us. What we offered at the time is best expressed by the scientific achievement which was made by the Bayer laboratories during the last decade.

From Document 515, we can see that from 1926 to 1939 -- that is to say, 14 years -- 103 new pharmaceutical inventions were brought forth from Bayer, and we can further say that these 103 new inventions had a turn over of 129,000,000 marks. Naturally for Rhone Poulenc who had a very efficient organization, a very good lab, and a very good advertisement organization, the success with respect to these new

products must have been accordingly.

From Document 404 it becomes apparent that during the same years, from 1926 -- and here I can even show it up to 1943 -- to 1943, the turn over of 1943 of Bayer consisted of 45% of new products. Half of their output was renovated by new products.

Q Mr. Mann, we shall now turn to Contract No. 3. That is the contract about the establishment of the Mutual Sales Combine, wherein the Prosecution sees an act of spoliation. I should like to ask you to tell me about the course of these negotiations and about the conditions of the contract. Do that as briefly as possible.

A On the basis of Contracts Nos. 1 and 2, a very peculiar situation arose which I can describe to you very briefly. The so-called old products about which we had differences with Rhone-Poulenc were settled on the strength of the contract No. 1. The new products, this is to say, the products which were to come from the laboratories in the future, were regulated according to contract No. 2 but it had not as yet been settled what was to happen with those products which we were currently selling in France. These products received the designation of "rest products". But, that is an incorrect designation because these were actually products which were being sold currently in France. That is how we negotiated with the gentlemen from Rhone Poulenc who naturally would have liked to use our promise to withdraw entirely from France, but after all, they had to find some sort of solution as Bayer products were still selling in France, Rhone Poulenc would have liked to just take over these products by way of license agreements. That, however, was not possible because part of these products were competitive to Rhone Poulenc products, or conversely, however you may like to look at it, and Rhone Poulenc was not interested in that solution. On the other hand, we could not give up these products.

The second possibility was this. We could have maintained our sales organization purely for those so-called rest products.

That we didn't want to do because we had no new products at our disposal. That is how a suggestion came about to the effect that it would be most expedient to establish a Mutual Sales Combine for the use of these so-called rest products. In this connection let me refer to the documents in question. Document 410, Mann exhibit 240, Book 5, page 46. That is a letter of 4 March 1941 by Bayer to Rhone Poulenc. That is the letter in which we make the offer to withdraw entirely from the French market. These negotiations which were then continued had the exclusive aim of finding a solution as to how to sell the rest products in a manner satisfactory to both Rhone Poulenc and ourselves.

Q The Prosecution, in their Trial Brief, maintain, on page 46, and I quote: "Contrary to the hope of the French Government and Rhone Poulenc, Rhone Poulenc was not yet quite free of the license agreements. Negotiations with respect to taxes, were still being continued." What can you say about this remark by the Prosecution?

A It is entirely incorrect. The gentlemen of Rhone Poulenc at the time repeatedly expressed to us their satisfaction about the course of events. Rhone Poulenc was well aware that our offer to withdraw from the market was of great interest to them and the question from whom or why Rhone Poulenc was to have freed themselves, and why the French Government should express any such suggestion I don't quite understand. During the negotiations on 25 February, we expressly recognized the principles of reciprocity. We authorized Rhone Poulenc to inform the French Government officially of our agreement. What else could the French Government hope for. All the letters from that time, which are available to us, show the agreement on the part of Rhone Poulenc with the negotiations. I refer you to the agreement No. 2. I refer you to the letter of 13 January where they write that the suggestion was very much in accordance "with our own desires". I refer to a similar phrase contained in another letter where they say that our suggestions were suitable towards bringing about a new, favorable, understanding. On 17 February

1941, Rhone Poulenc writes that they in turn were going to make suggestions and they ask us to consider the "expose" which they were including as evidence of the interests which "we, Rhone Poulenc, show in the conclusion of our negotiations."

Now, I again refer you to the letter of 29 November, the letter which refers to the negotiation of 29 November where they express a desire for further collaboration. On 3 July 1941, Mr. Bean writes - and all this is based upon documents. Mr. Bean was the Deputy General Director of Rhone Poulenc. He says: "The declaration made by Bayer to forego actively participating in the French market is considered by Mr. Bean as being very far reaching in its scope and it is appreciated in its importance."

In the same letter, Mr. Bean states that in agreement with Mr. Grillet, his company was desirous of continuing collaboration with the firm Bayer by the establishment of a common company. He states, furthermore, that he, on his part, had already taken far reaching measures towards that direction.

Q When discussing this Contract No. 3, the Prosecution submitted minutes of a conference of 3 July 1941 as Prosecution Exhibit 1277 in Document Book 60. Would you be good enough to comment on that document?

A This Prosecution Exhibit 1277 contains the sentence which I just quoted, in which Mr. Bean expresses his appreciation with respect to our withdrawal. And, in this Exhibit 1277 by the Prosecution, the principles according to which the company was to be directed and rules are laid down.

Q And what were these principles?

A These principles were to establish a company independent of Rhone Poulenc and independent of Bayer, but which was to belong to both of them. This company was to sell the rest products by Bayer under the management of Rhone Poulenc. In other words, it intended to see that Rhone Poulenc on its part was to participate with

50% in our own Bayer rest products. I may perhaps refer you to a number of other documents which describe the entire situation. These are products 563, that is Mann Exhibit 241, book 5, page 49. These are minutes of a conference of 29 April in Paris dealing with the same subject. Then, there is Document 414, Mann Exhibit 242, which consists of my report to the Vorstand on that matter. Then, there is Document 592 that is a letter and it is Mann Exhibit 244. It is a letter by Mr. Faure-Beaulieu directed to me in which he makes the suggestion for the first time that the firm Theraplix be designated as the Mutual Company.

In Document 593, Mann Exhibit 245, we accept that proposal without any further discussion. Sometime passed, however, after the conclusion of these negotiations where it had been agreed upon during a conference that Rhone Poulenc would consider the organization of this joint company, and finally, on 20 October 1941, we received a letter from the firm Rhone Poulenc (a very detailed and careful report) which was submitted as Document 416, Exhibit 247. You will find that in Book 5 on page 58. In this letter Rhone Poulenc suggests to us the firm Theraplix as being the enterprise which, in the future, was to take care of the sale of Bayer rest products.

With respect to the asset conditions, the Prosecution said that this was a subsidiary company of the Rhone Poulenc. That is wrong. From Document 581, Mann Exhibit — I am sorry, I do not have the number. I think we can give you the number later. It is a memorandum on a conference with Rhone Poulenc from which we can see that Rhone Poulenc was conducting business negotiations with Theraplix but that the President of that Company, Mr. Buichon, would probably be the holder of the majority shares. We never learned any exact details about that and we never worried about that.

That Theraplix, however, was no subsidiary company of Rhone Poulenc can be seen from Document 416 which I mentioned. That is Rhone Poulenc's proposals with respect to the taking over of Theraplix.

Rhone Poulenc themselves described the organization with respect to the financial and technical settlements and I quote: "Rhone Poulenc buys the shares of Theraplix". In other words, they did not as yet possess any shares of Theraplix. Therefore we are concerned with the common purchase by Rhone Poulenc and by Farben, whereby Rhone Poulenc was in charge of the development of these matters.

Q Who was to undertake the business management of this joint sales combine?

A Contrary to the initial ideas to establish a new firm, we now found a ready company, a French company, and nothing was to be changed in the management of that company. I should like to point out to you Document NI 7634, which was not introduced by the Prosecution, and which was now submitted as Document 424, Mann Exhibit 248, Document book 5, page 65. These are minutes of a meeting of 11 November 1941 and everything I just said is confirmed by that document. In other words, a French management, French President, French personnel, and the firm Rhone Poulenc does not hand one single product to that company and the only products to be sold were products by Bayer and, of course, the old products of Theraplix. All the old goods of Theraplix were products with which neither Bayer nor Rhone Poulenc were competing and, for that reason too, Rhone Poulenc's proposal to us was an extremely good one.

Q And what did Bayer introduce into this company by way of products? In what quantity?

A Altogether we introduced into the company 62 Bayer preparations. For all these preparations we have submitted our medical explanations, the "expose's", as they were called, and the production processes. Confirmation of my testimony will be seen from Document 427, Mann Exhibit 251, Document Book 5, Page 74. I repeat. Not one single product was introduced by Rhone Poulenc into Theraplix. Theraplix was not a subsidiary company of Rhone Poulenc, and the result of Contract 3 only meant that Rhone Poulenc participated by about 50%

in the products which we were selling through Theraplix. In other words, Rhone Poulenc participated in Bayer and not we in Rhone Poulenc.

Q What other contributions were made by Bayer in the joint company Theraplix?

A In summary, I might say that we naturally gave all support which could be given by us, in addition to the products we introduced to the firm. We assisted Theraplix with their construction work; we saw to it that they received sufficient coal, and we gave up our initial demand that the Bayer cross was to be marked on all Theraplix products. We agreed that all our own products were to be neutralized, as it were.

Let me mention one more thing. A Committee Consultative was formed for the organization of the firm, and M. Faure-Beaulieu, upon joint decision by Rhone Poulenc and ourselves, was given the chairmanship in this Committee Consultative. This was done in appreciation of his efforts -- two Frenchmen and one German belonged to this Committee. That is to say, a ratio of two to one. Towards the outside -- and, in fact, the committee did not appear -- nothing really changed for Theraplix as a result of our participation apart from the fact that we introduced our own products. Of course, that latter fact changed quite a bit with respect to Theraplix.

Q What was the business and financial result arising from this joint sales company?

A That is what I wanted to express with my last remark. Before taking over by Farben, Theraplix had a turnover of 20,000,000 francs in 1941. After 1941 there were 39,000,000. In 1942, after the taking over took place, 66,000,000 and in 1943 97,000,000. The share which was due to the Bayer products with respect to that increase constituted two-thirds of the turnover, but in reality its share was much higher. The main product of Theraplix was a sulphonamide preparation, Septoplix, and Rhone-Poulenc up to that time had supplied that preparation. As a result of the war conditions Rhone-Poulenc had difficulties in producing it. Rhone-Poulenc therefore asked us whether we would not be prepared to undertake these deliveries. We agreed. That is how, of this 97,000,000 turnover, 72,000,000 were due to Septoplix because Farben supplied Sulphonamide. Of course, the profit was in accordance with the turnover. It increased from 5,000,000 before the change up to 20,000,000 during the years 1943 to 1944.

Q Did the Bayer firm take its profit share from Theraplix?

A During a meeting with the gentlemen of Theraplix on 11 November 1941 I made the following proposal. I should like you to refer to document Mann 437. That is Mann exhibit 255 to be found in book 5, page 82. I quote, "Mann proposes to" -- I beg your pardon -- I made a mistake. I made the proposal but in these minutes it is actually stated, "Bayer proposes", and I don't want to make a mistake. I quote again: "Bayer proposes to arrange the business management in a way that the original capital receives interest of 6% maximum. Whatever goes beyond that should be invested. All those persons who are participating in that reorganization are in agreement with that suggestion."

Q The prosecution documents 1279 and 1280, and 1281 and 1282, all of which are in document book 60, assert that the Farben participation in the capital increase of Theraplix and the purchase price participation due to Farben was achieved by use of occupational capital. In other

words, it was all done with the money of the French taxpayers. How about that?

A That is incorrect. Let me say, first of all, that Farber's share in the capital increase, about 24,000,000 francs, as you said before, meant on the one hand the capital increase of Theraplix and on the other hand the share in the purchasing price. Rhone-Poulenc and Farber, after all, had bought Theraplix and let me add something I forgot before. The settlement of the purchase price for Theraplix was a matter where we said to Rhone-Poulenc, "You fix the price." There were no negotiations about the price, and we know that we were dealing with a very honest partner. These 24,000,000 francs which originally were 28,000,000, - that change came about because of some calculations which had nothing to do with the actual purchase price but was due to the observance of some French laws - were arrived at in the following manner: The banking department of Leverkusen, which was responsible for the settlement of that matter, is headed by a certain man called Mr. Hausen who already appeared here as a witness. He, in document Mann 132, that is the Mann exhibit 258, in book 5; page 89, made an affidavit in which he states that Bayer made a written application to be given necessary foreign exchange and in that application it reads, and I quote, "The sum to be used is to be transferred to France by way of clearing." I continue to quote from affidavit 132. "In their application of 6 December 1941 to the Reich Ministry of Finance, the Zefi, that is the Central Administrative Department of Farber, requests that the foreign exchange department of Berlin be authorized to give us Reichsmarks by value of 28,000,000 francs and to have that sum transferred by way of the German-French clearing." On the 9th of February, 1942 the Central Finance Department states that they discussed the contents of that letter repeatedly with the Reich Ministry of Economics and they say in that connection, and I quote, "The sum required by us will be placed at our disposal through occupational capital through a French bank on the part of the German Reichsbank, but the letter from Zefi to Bayer on the 29th of January, 1942, which

is the official approval by the foreign exchange department of Berlin, bearing the date of 5 January 1942, approves to us the sum necessary for the purchase of the shares and it is stated that the equivalent value in Reichsmarks should be paid into the German Reichsbank, Berlin, credit number 742, which is to be transferred to the Credit Bank, Paris, in that manner."

"The utilization of this foreign exchange approval was delayed because the approval by the French Government and by the Armistice Commission was yet necessary. In the meantime, however, the foreign exchange permit with respect to Farben's participation in Theraplix was changed to the effect that the amount of 24,400,000 was to be paid by way of clearing. In a teletype of 3 August 1942 ZEFI confirms the clearing payment of 24,400,000 francs with control number 46,479, and charged to Bayer's account, 1,200,000 marks on 4 August 1942.

We can see from that that the amount of 24,400,000 francs was transferred to Theraplix by way of clearing. The affiant continues to state that, and I quote: "The clearing was used in order to account the mutual demands made by countries with which mutual clearing had been arranged. Clearing accounts on the part of Germany was carried out through the clearing department of the German Reichsbank."

Q Mr. Mann, Farben-Bayer also supplied France and how were the payments made by the French firms to Germany for deliveries from Bayer.

A That was done in the same way. It was done through that very clearing agreement. In other words, these sums were not paid through occupational funds.

Q.- I am now turning to another point. From a passage in that prosecution exhibit 1282 in document book 60, the Prosecution concluded that Monsieur Faure-Beaulieu's participation in Theraplix with 2% was carried on behind the back of Rhone-Poulenc in favor of Farben. How was it actually?

A.- On the 11th of November, 1941, there was a meeting in Paris in which the participation in Theraplix was arranged by 49% for Rhone-Poulenc, 49% for Bayer, and 2% for Monsieur Faure-Beaulieu. The idea to offer Monsieur Faure-Beaulieu this 2% had come up during the negotiations for the following reasons: The agreement which we had with Rhone-Poulenc to the effect that we would have a 51% participation in Theraplix and Rhone-Poulenc a 49% participation was considered as inappropriate by Rhone-Poulenc for commercial reasons. The fact that we were to have 51% was quite understandable and Rhone-Poulenc agreed to it.

A proposal was then made which to my mind was very favorable. The proposal that Monsieur Faure-Beaulieu was to take over 2% so that the Frenchmen would appear to the outside as holding the majority. The gentlemen of Rhone-Poulenc perfectly understood that Monsieur Faure-Beaulieu was to hold these 2% for our firm and they were very clear about it, because otherwise the 51% initially agreed upon could not have been realized.

I should like to refer to a further document, 647, in that connection which is Mann Exhibit 263, document book 5, on page 98. In this document which are minutes of a conference with Rhone-Poulenc on the 23d and 24th of May, 1941, in Paris. Among other matters reports are made on the establishment of a joint sales company was to be arranged on the basis of 51% for Bayer and 49% for Rhone-Poulenc under French management. The Frenchmen made proposals according to which this somewhat difficult question was to be solved differently. It says here, and I quote:

"Monsieur Grillet, for instance, insisted in the beginning on a distribution of the capital on a 50-50 basis according to the principle of pa-

rity as provided for in contract 2. My reply, that as far as this company is concerned, we would be the ones who give for the time being, found, however, recognition. Herr Beau supported my point against Herr Grillet and the French gentlemen finally stated their approval of the foundation of the company in the form desired by us."

Q.- And what was achieved by the conferences of 3 July 1941 with respect to the participation conditions and in particular about Monsieur Faure Beaulieu's position?

A.- On 3 July 1941 the actual negotiations took place concerning the establishment of the sales company about which I already spoke. I must come back to this matter again because subsequent to that meeting a certain correspondence with Monsieur Faure-Beaulieu started. In that meeting I stated, in order to remove every doubt, and I quote: "Monsieur Faure-Beaulieu will vote for us." That was expressed in the presence of the Frenchmen and it was in accordance with the agreement that we were to have 51% and Rhone-Poulenc 49%, and I then wrote a letter to Monsieur Faure-Beaulieu and that is a letter which was submitted as Document Mann 602, Exhibit 267, document book 5, page 104, and with respect to this 2% I wrote to him the following, and I quote: "My colleagues and I are of the opinion that it is fair and necessary to explain to Rhone-Poulenc in a clear and correct way that the 2% in question are de facto our 2% and that therefore, in your capacity as our trustee, you will vote with us. I am sure that the gentlemen of Rhone-Poulenc did not understand my remark differently."

That made it clear that we wanted to understand Monsieur Faure-Beaulieu's task as keeping for us the 2% in his capacity as our trustee, and in the course of these negotiations we made the necessary applications for foreign exchange; that is to say, the foreign exchange applications referred to 51% of the capital of Theraplix.

Q.- The Prosecution submitted exhibit 1278 in document book 60, which

is a letter by Farben dated 5 January 1942 to the foreign organization of the NSDAP, the so-called AO. In this letter it is pointed out that the firm of Rhone-Poulenc should received no knowledge of the 2% trusteeship by Mr. Faure-Beaulieu on behalf of Farben. How can you reconcile that remark with what you now say?

A.- After we had made our application for the foreign exchange and after the German Government, all agencies, had given us their permission, difficulties arose in that matter because of the fact that the French Government on their part made a demand from Rhone-Poulenc. Mr. Faure-Beaulieu himself in the meantime, after lengthy negotiations with him had taken place, stated on his own initiative that he would not be able to fulfill my request to appear as a trustee on behalf of Farben. On the other hand he said he would prefer to be the liaison man between the two parties. This was then a part which was agreed upon contractually between Farben, Bayer and Monsieur Faure-Beaulieu. In the course of the negotiations which took place with Monsieur Faure-Beaulieu many months after the application for the foreign exchange Monsieur Faure-Beaulieu refused to take over this 2% in his capacity as a trustee of Farben and with a letter of the 27th of April, 1942, which was submitted as document 441, Mann Exhibit 271, document book 5, page 112, he carefully formulated a reply with respect to this 2% and the same declarations were made by Monsieur Faure-Beaulieu on the 5th of May, 1942 to the firm Rhone-Poulenc.

That can be seen from Mann document 442, exhibit 272, document book 5, page 114. Here Monsieur Faure-Beaulieu writes, and I quote, "To the firm, Rhone-Poulenc". In other words, the letter is addressed to Bayer, but it contains the report he made to Rhone-Poulenc. I quote:

"I have sent you on 27 April last the letter concerning our agreement with respect to the mutual obligations which I am undertaking concerning the sale of the Theraplix shares. Kindly note that according to our own

2 Apr-M-FL-12-4-Ninabuck (Int. Ramler)

Court No. VI, Case VI

agreement I am sending a similar letter to the Societe Usines Chimiques Rhone-Poulenc." This similar letter refers to document 441.

To reply to your question, counsel, I should like to state the following. This meant that we actually made a further concession by practically renouncing to the 51%. Monsieur Faure-Beaulieu kept these 2% now for both parties. In other words, there was now a 50-50 ratio. However, I was not in a position to inform the German Government of this change in the agreement. I am convinced that in that case the permit given to us by them would have been withdrawn. In the meantime the foreign organization of the NSDAP had been given new rights, and in document 657, that is the Menn exhibit 306, it is stated in a KA file note on the 10th of March 1939, and I quote, "Dr. Franck Fehle reports on the participation of the AO in the approval of foreign financial transactions which up to that point needed only the approval of the Reich Ministry of Economics."

As a consequence of these rights of the AO the Central Finance Administration wrote to us a letter, to Leverkusen. That is Mann Document 661, Exhibit 270 in Document Book V, Page 111. This letter stated that the AO, the Foreign Organization, in such cases desires a German majority. It is stated that they will object to the fact that two percent of the capital will be kept by the confidential agent who is of French nationality. For that reason we decided to report to no German Agency about this actual change and we wrote to AO a letter that Rhone Poulenc must not be informed of the change in order to keep the AO out of that matter.

Q. Mr. Mann, tell me for what reason Mr. Faure-Beaulieu received one million francs?

A. It was originally provided that we would have kept these two percents to our benefit through Mr. Faure-Beaulieu. That is why in the application for the foreign exchange the equivalent value of two percent was counted to our benefit. After Faure-Beaulieu was to have received these two percent for himself, this payment was no longer necessary, but at that time I thought that since this one million francs after all had been approved, why not give them to Monsieur Faure-Beaulieu as an appreciation for his efforts? We expressed that to him by saying that it was an advance. Naturally we would not have been given any foreign exchange permit for a sum merely to serve as an appreciation fee.

Q. Mr. Mann, would you now quite briefly explain the financial result of all these negotiations in summary? In other words, the result of the contracts No. 1, No., and the Theraplix contract and what was the actual result economically?

A. On the basis of all the documents I tried to construct a very exact picture on the actual economic results. Naturally I could not calculate the individual figures myself here, and that is why Mr. Schmitz, the departmental leader at Leverkusen, in Document 392, that is Mann Exhibit 279 in Document Book V, page 125, made a compilation from which the following becomes apparent. During those thirty-nine months

43 million francs in licenses, were paid to us by Rhone-Poulenc. This sum must be reduced by 9 millions which do not belong in 9 millions out of these 43 millions were a payment which was made by Rhone-Poulenc to us in an entirely different connection. That is why I refer to Document 387, Mann Exhibit 307, Document Book VI on page 31. From these minutes it becomes apparent that during the negotiations concerning the price of Atebrin which Rhone-Poulenc produced, Rhone-Poulenc informed us that they could not fix a price for us which they themselves thought to be justified. They, therefore, suggested to us that they arrange some special compensation in order to cover the price which according to governmental directives they had to fix for us. They were to compensate us with 10 percent and for financial technical reasons they would pay these 10 percent by way of a license payment. That is why this amount must be decreased by 9 millions. Now we have 34 millions left, and we have to deduct another 9 millions because, as a result of the new contracts the old license agreements had been substituted but their obligations as they arose from the old agreements would have continued to be in force had we not concluded any new contracts. These old contracts would have meant 10.2 millions for Rhone-Poulenc to Bayer and 500,000 francs for Bayer to Rhone-Poulenc. That is to say the actual license payment received by us only amounts to 24 millions. In addition, however, after we had harmoniously come to an agreement on the basis of contracts, we surrendered products to Rhone-Poulenc, for instance, Pyridine, Postonal. We informed Rhone-Poulenc of the change of the Pyridine process. We handed over products to Theraplix, and the participation of Rhone-Poulenc in Theraplix with 50 percent from these products is included in this compilation, which the Tribunal will find in Document 293, with the result that Rhone-Poulenc from a financial point of view had a profit of 3 million French francs out of the entire transaction.

Q. And how, in what way was Rhone-Poulenc burdened as a result of these contracts?

1. I don't think there were any obligations that could be mentioned with respect to contracts Nos. 2 and 3. With respect to contract 1 it must be established that any obligations which came up as a result of the negotiations, were changed considerably. The license payments which were to be paid according to contract No. 1 were either compensated by the contract itself, for instance, with respect to the foregoing of aspirin, or during the later negotiations a compensation was agreed upon. I must go into that contract quite briefly. Paragraph 1 of contract No. 1 provided a license payment of 5 percent with respect to the pharmaceutical chemical preparations. In the course of these negotiations we obligated ourselves that we would withdraw from the French market for a period of 50 years. That meant the full compensation with respect to Paragraph 1. Paragraph 2 provided a license payment of 5 percent with respect to a number of pharmaceutical specialties. In the course of negotiations we agreed that with respect to these products too we would withdraw from the French market. Paragraph 3 provided a license payment in the framework of the former old contracts with respect to malaria preparations, etc. This was a continuation of the old agreements, but to the disadvantage of Rhone-Poulenc it had initially been agreed upon that there was to be no protection with respect to any particular locality. In other words, Bayer, contrary to the initial contracts, was to be justified in selling these products in France. In order to retroactivity realize the thought of reciprocity for these products we took the obligation to withdraw from the French market in connection with these products. Paragraph 4 provided a ten percent license payment with respect to aspirin. The compensation was that Bayer actually withdraw from the French market. Paragraph 5 provided an agreement with respect to price adjustment to the higher level of Bayer prices. The French judgment on page 96 states that Rhone-Poulenc during the occupation and even ever since, had a considerable profit from the contract, and that refers to this Paragraph 5.

THE PRESIDENT: We will rise for lunch at this time.

(A recess was taken to 1330 hours.)

AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours, 2 April 1948)

THE MARSHAL: The Tribunal is again in session.

DIRECT EXAMINATION (Continued)

WILHELM MANN, Resumed.

BY DR. TIERCK: (Counsel for defendant Mann):

Q. Mr. Mann, at the end of this morning's session you were describing to the Tribunal what points of Contract 1 were changed by later negotiations. May I ask you to continue, please?

A. I had indicated what paragraphs of Contract 1 were changed, and at the end I had reached Paragraph 5, which dealt with the question of equalization of prices. That was not a disadvantage for Rhone Poulenc but an actual economic advantage. Paragraph 6 contains the obligation that no further imitations of Bayer products would be permitted to reach the market. This paragraph was superseded by Contract No. 2. Paragraphs 7 through 10 regarding interpretations contain general agreements that did not constitute obligations. Paragraph 11 was a promise of Rhone Poulenc to endeavor to bring about a French patent legislation Patent Law. Paragraphs 12 and 13 referred to the successors and the coming into force of the contract and the duration of the contract. The period of the validity had been fixed at fifty years in the same manner as Contract No. 2, but the Contract 3 was to be in force as long as the enterprise was in force. In view of the advantages that this created for Rhone-Poulenc--since I am now summarizing my statements somewhat--I want to point out again that Farben agreed to forego their own participation in France; that they waived it as principal claim to the business; they waived the chemicals business, the exchange agreement under Agreement No. 2 making available of all Bayer products for the Therax from their old assortment of drugs.

The fact that the business enterprise was unreservedly in French hands, and then, apart from the contract itself, a number of promises that were made to Rhone-Poulenc referring to licenses in other fields of Farben,

about compromises to be made with the Montecatini firm in Italy, and the promise to extend the field of work to include Buna, where actually an agreement was reached after initial difficulties according to which Farben was going to found, together with Rhone Poulenc and another French firm, a joint development Buna company where Rhone Poulenc was going to participate with 40 per cent, the other French company with 40 percent, and I.G. Farben with 20 percent. This corporation actually never started, but the contracts had already been signed.

I want to point further to the collaboration and to the practical success of the collaboration which led to a number of events which would be too tedious and would take up the Tribunal's valuable time too much if they were all to be mentioned here. However, in our document books there are a number of documents that speak for themselves and which show to what extent we met these people half-way and collaborated with them.

Q. In their Document Book 60, the Prosecution has submitted Exhibit 1284. This is the judgment of the French Court of Appeals dated 4 June, 1946, which states that the agreement reached between Farben and Rhone Poulenc dated 30 December, 1940 -- that is Contract No. 1-- and dated 19 February 1942 -- that is Contract No. 3 -- were void and without force. You didn't participate in this trials before the French Court and you had no legal counsel there either. However, I want to ask you what facts were not taken into account during this trial.

A. This judgment--in its first part and also in the intermediate judgment and the final judgment of the Court of Appeals--does not mention a number of facts which in my opinion should have been presented to the French tribunal in order to make a just decision. Above all, the core of our agreement, Contract No. 2, has not been mentioned at all in this judgment. This judgment, furthermore, speaks of these 42 millions, and that is not correct because these were only 24 millions. I am not now speaking of those 27 millions that I calculated as probable profit for Rhone Poulenc; I am now speaking about the final sum which Rhone Poulenc actually paid in valid license fees. I am not speaking of the counter-bill.

Then this figure of 43 millions is incorrect. They were by rights only 24 millions. The judgment says that under German pressure, which the I.G. Farbenindustrie wanted to exert, a certain number of events occurred. That is quite incorrect. I have already proven with the aid of all sorts of documents that it was only to be a sales enterprise and that the one negotiation that took place about capital participation had no results because I agreed to the reasons given and that the second discussion of the capital participation in connection with Agreement No. 2 was only a suggestion about a participation with 25 percent. Excuse me, I have to supplement my statement.

The judgment further says, I quote: "Therefore, we order that the shares be immediately restituted to Rhone Poulenc." In order to give back something to somebody, one must first have owned it—the person who is supposed to make the restitution—and that was not the case here at all.

The appeal of the Court of appeals is very important. The person making the petition says that it was absolutely necessary to call in an expert, for it was quite clear that Rhone Poulenc had gained very many considerable advantages from the contracts, and they would first have to be determined. The court, the French Court, did not comply with this suggestion.

Q. In the Prosecution's Exhibit 1051, in Document Book 51, the plan of the New Order was submitted, and in this plan there is also a contribution about the pharmaceuticals business. Will you please briefly comment on that?

A. The part that affected France from this New Order, is an excellent example to show how theoretical projects are applied to practice. By the actual course of the negotiations with Rhone-Poulenc that I was able to describe to the Tribunal, it has become quite clear that the theories contained in the New Order, were a pipe-dream but I must say that if one considers these desires in detail, and investigates all of the suggestions contained in the New Order, then one can also be quite in agreement with them. These suggestions mainly contain the removal of those customs barriers and administrative regulations which hamper the normal developments of business relations between France and Germany.

The New Order also dealt with, -- and I could imagine that might perhaps be considered incriminating, -- a prohibition to construct new plants for the French industry in the pharmaceuticals field. This suggestion would not have been incorporated in this New Order unless I had known very well that that was the opinion of the French Pharmaceutical Industries anyhow. In the drug sector, in the remedies sector, a certain control had to exist, of course, because in that case, the question of public health was concerned.

We suggested in this New Order that agreement be made in the Serum field, and negotiations did take place, which were welcomed by both parties. There were no economic agreements reached. It was only an exchange of scientific opinions. It says further that we should endeavor to shift the dental supplies over from England and the United States to Germany. That was a measure which is quite customary in the course of a normal business competition. We did not say that the others should be hampered in their business. We only wanted to have the same privileges in the New Order of equal participation in the French market.

Of course the contracts concluded with Rhone-Poulenc made many suggestions that were advantageous to Rhone Poulenc, that could not yet be seen when this New Order was drawn up.

Q. I want to ask you a few more questions dealing with the indictment, the opening statement, the presentation of the documentary evidence, and dealing with the Trial Brief.

Did your negotiations have anything to do with the fact that the factories of Rhone-Poulenc were situated in the then unoccupied area of France?

A. No.

Q. Did you acquire control of the French Pharmaceuticals Industries by these negotiations?

A. No, we got 50 per cent of 1 per cent of the French pharmaceuticals industry.

Q. Did you make the production of Rhone-Poulenc a part of your own enterprise?

A. No.

Q. Did you participate in the subjugation of French economy under the German economy?

A. No.

Q. During the contracts with Rhone-Poulenc did you use machination and veiled threats?

A. No.

Q. Did you use governmental pressure?

A. No.

Q. Did you ever visit any of the factories of Rhone-Poulenc?

A. Never.

Q. Did technical people of Rhone-Poulenc and leading people of Rhone-Poulenc, visit the factories of I.G. Farben?

A. Yes, both parties paid visits and all expert technical men carried out such visits in pursuance of the contracts in question.

especially of contract I, and they were always invited.

Q. Can you describe the nature of your personal relations with the leading people of Rhone-Poulenc, and can you refer to facts as they are shown in the negotiations and documents?

A. In regard to Mr. Faure-Boculiev I would say that I had known this gentleman for many years. I respected his calm and noble attitude. He was a true Frenchman, and everything he did was done solely from the point of view of the safeguarding of the French economic interests. He was extremely correct, and rejected any political conversations. Such conversations were not conducted with the Rhone-Poulenc people, etc., or perhaps only very occasionally if something extraordinary had happened, I have already stated here how positively these people judged the collaboration, with Rhone-Poulenc but I want to state again here that this collaboration was not part of the political concept of the French collaboration. It was rather the concept of cooperation, the cooperation which restricted itself exclusively to economic problems.

It is my firm conviction that the French partners signed contracts that were a jewel of peaceful collaboration for both parties concerned in their entirety. The facts that you want to hear from me are contained partly in Document 509, which is the note of the Director of the Chemicals Department of Farben, Mr. Borgwardt, of the 5th of July, 1941. This document bears Exhibit No. 301. It is in book 5, on page 154.

This note dated July, '41 says: Monsieur Buisson, " - he is the repeatedly mentioned Deputy Director General of Rhone-Poulenc, and another man accompanying him, gave the reason for their visit in Frankfurt at the chemical department that they wanted to achieve collaboration with the Farben in the synthetic fibre field as had already been achieved in the Pharma field. There is a document book I want to refer to also with reference to exchanges between the leading people of this corporation and with us. I refer to Document numbers 584, Exhibit 293, 556, Exhibit 294; 587, Exhibit 295; 591, Exhibit 296; 594, Exhibit 297, 596, Exhibit 298; 377, Exhibit 299; 523, Exhibit 304; These documents I would like to

let speak for themselves.

In regard to Document 524, which bears main Exhibit No. 305, I want to quote : It is the original of the letter of the President of the firm of Rhone-Poulenc, Mr. Buisson, sent to me, dated 2 February 1941. He says in this letter, - this letter was written after the French people had returned from the February conferences in Leverkusen to Paris:

In these conferences of February, '41, I want to remind you again that the reciprocity has been agreed upon, contract 1 had been revised and Contract 2 had been decided upon. Monsieur Buisson says:

"I don't wish to hesitate to express my thanks for the cordiality of your reception which you showed my colleagues during their stay in Cologne. As a matter of fact, I was not surprised since I knew for a long time already, and since I had experienced it myself, the constant tradition of hospitality of your country, but it was particularly pleasant for me because of the present circumstances, that my gentlemen had found such an understanding and openness with you. They were very much impressed themselves and the gratitude that I am expressing to you is theirs as well as that of their President. This satisfaction, however, is mixed with one regret, namely, that I was unable to accompany my gentlemen myself, because of obligations due to my position, but I hope that I shall soon have an opportunity to help with this work of economic collaboration for the greatest possible benefit of our two countries."

DR. TIERCK: Mr. President, this concludes the presentation of evidence in the Rhone-Poulenc case. I have only one more question to put to Mr. Mann.

Q. Mr. Mann, apart from the Rhone-Poulenc case, did you participate in any negotiations which refer to any other cases presented under Count II of the Indictment?

A. No.

DR. BERNDT, (Counsel for the defendant Mann): I want to state first, Your Honors, that the Tribunal should be in possession of the English Document Books Degesch I and II. May I ask you whether the supplement to Document, Degesch No. II in English is also in Your Honors' possession?

THE PRESIDENT: Do you have reference to the three charts that were distributed separately, Dr. Berndt?

DR. BERNDT: No.

THE PRESIDENT: We do not appear to have any supplement.

DR. BERNDT: Very well, Mr. President. I will defer this until you all have it and I hope that will be tomorrow, Your Honors.

In view of the fact that I have witnesses I am going to make a change in my program. I shall take Point "D" Degesch before point "C".

May I begin the presentation of evidence of Degesch by offering both books and I want to ask Your Honors forgiveness that I cannot do it as well and as quickly as my associated did yesterday in the case of the Rhone-Poulenc books. I believe I do have to make a few brief comments to each document.

From Degesch Book No. 1, which I ask your Honors to give Exhibit 1, I want you please to note that the enterprise was founded already in 1919.

THE PRESIDENT: Dr. Berndt, is it your thought to give these books a series of numbers to be designated as Degesch Numbers 1 through the books.

DR. BERNDT: Yes, Your Honor. As Your Tribunal can see from the title of the books, these are not presented as documents books on behalf of the defendant, Mann, but as Degesch Books because the charge of participation does not affect the defendant Mann alone, but all defendants and in particular Mann, Wurster and Hoorlein. Therefore, just as in the case of Dynamit Noble A.G. and as I am going to do with the Wirtschaft, I have introduced these two books under the title "Degesch". They are in the same nature of document books that have been introduced for the entire defense.

THE PRESIDENT: Let us confer just a moment about this number matter. Your plan of presentation is acceptable.

DR. BERNDT: Thank you very much.

Then may I ask that Degesch Document No. 1 be marked with Degesch Exhibit No. 1. This document merely is intended to show that the Degesch is an old enterprise founded in 1919 and 1920.

Degesch Document No. 2, which will bear Exhibit No. 2, contains the patent of Zyklon.

Degesch Document No. 3, Exhibit No. 3, is a letter which the Degussa, the Deutsch Gold - and Silberscheideanstalt wrote to Farben, in which an offer is made to Farben for a participation with 50 per cent. In this letter it is pointed out especially that the Zyklon business, the source of most of the Degesch profits, was built up by Degussa without support from Farben.

On the next page in the letter it is emphasized that because of Farben's participation in the business management of Degesch, no change will occur.

Degesch Document No. 55 will get Exhibit No. 4. This is a memorandum about the discussion at the Degussa, about which I have no further comment.

Degesch Document 7a, will become Exhibit No. 5. As far as I can see, there is a mistake here, Your Honor. It is at one time called 7a, and at another place, it is called 67a, but this document should be 7a, and will become Exhibit 5. It is an offer of Farben and Degussa to the Theodor Goldschmidt, A. G., about a participation of the Theodor Goldschmidt A. G. in Degescha.

Document 7b, Exhibit No. 6, is the acceptance of this offer by Theodor Goldschmidt A. G.

Degesch Document No. 5, becomes Exhibit No. 7, and is an information to the effect that no change occurred by paying the purchase price

to Farben by Theodoro Goldschmidt, A.G.

Degesch Document No. 17, which will become Exhibit No. 3 is an affidavit by Guenter Hausen. This states that the profit participation of Farben in Degesch did not amount to 200 per cent as the Prosecution contended, but only 21.6 per cent.

This is explained by the fact that the Prosecution included the profits that were paid into the nominal capital but not into the invested capital.

Document 17a will become Exhibit No. 9. This is the interrogation of witness Haeni about which I have no further comment.

MR. MINSKOFF: The Prosecution does not raise any objection to the introduction of this document since it contains merely a transcript of what is already in evidence. We call the Court's attention to the fact that in our opinion the index is completely misleading, and ask the Court to ignore the index even though it is not part of the evidence.

THE PRESIDENT: We will put a question mark by the index.

DR. STPMYT: Degesch Document No. 8 will become Degesch Exhibit No 10. I want to point out from this document that the Degussa remarks to Farben that it was not quite correct to ask Farben to check the Degesch balance sheets.

Degesch Document No. 46 will become Exhibit No. 11. This is a note of the business manager, Stiege, about the business report of Degesch, in which I merely want to refer to page 2 where it is said that Mann was an honorary business manager who observed the business policy of Degesch only in general outline.

Degesch Document No. 44 will become Exhibit 12. No remarks.

Degesch Document No. 47 will become Exhibit 13. This is a confidential supplement to the minutes of the meeting of the Aufsichtsrat of Degescha dated 10 March, 1936. This report contains a settlement of a dispute and then the partners Farben and Degussa take exception against an intervention of the third partner, Dr. Goldschmidt.

3 April -A-LU-17-4-Stewart (Int. Katz)
Court VI - Case VI

Degussa says that it is a demonstration of Goldschmidt's lack of confidence, if he wants to have detailed information, and says that he does not need it.

Document 6 will become Exhibit 14. It is a contract between the Degussa, Farben and Theodor Goldschmidt. From this I want to emphasize Paragraph 3. This speaks about an administrative committee. May I emphasize in that connection that the English bank has the translation of the word "Versaltungsausschuss", "Administration Committee". That is a literal translation. The German word "Verwaltungsausschuss" doesn't have any contents which is legally defined as, for instance, "Vorstand" or "Aufsichtsrat" have. The "Verwaltungsausschuss" is not a technical expression from German legal language. It would, therefore, be best if one always spoke about the "Verwaltungsausschuss". This Verwaltungsausschuss, according to Article 3, is to simplify the enforcements of the rights of the partners and have the position of an Aufsichtsrat, and it is the common representative towards the partners, of all three partners, that is.

Dogesch Document 43 will become Exhibit 15. This contains the Articles of Association. In that connection I want to point out that Paragraph 4 lists the organs of the enterprise. They are, one, the business manager, and two, the meetings of the partners. The Verwaltungsausschuss is not mentioned.

Dogesch Document 54, Exhibit No. 16, is an affidavit of Mr. von Heydor who represented the interests of Farben during discussions. Under Paragraph 3 of this affidavit he says that the Verwaltungsausschuss was not a supervising body. At the end of his affidavit he says that even during the war he never even had the slightest suspicion that Zyklon was used in concentration camps in such an atrocious manner for the destruction of human beings, and he expressed the firm conviction that none of the members of the Vorstand of the administrative committee or the Verwaltungsausschuss had even the slightest idea of this horrible misuse of the product Zyklon.

Dogesch Document No. 13 will become Exhibit No. 17. This is a letter in which Mr. Mann states his agreement with accepting the office of chairman of the proposed Verwaltungsausschuss.

Degesch Document No. 14 will become Exhibit 18. Document -- Oh, I want to mention in that connection that on the 18th of June 1940 the gentlemen Schlosser and Mann were business managers, that they resigned from these positions, however, and entered the Verwaltungsausschuss where Mann took over the chairmanship. To this record is attached a speech made by Dr. Peters. In this speech I want to point out that, in the latest years the extermination of bugs in military objects had gained particular significance and that that explained the enormous sale on the domestic market today.

Document 45 will become Exhibit 19. It is stated here that the partner meetings are going to vote in writing in the future.

Document 16 will become Exhibit 20. This confirms the former document.

Document 15 will become Exhibit 21. These are the minutes of the last regular shareholders' meeting of the Degesch, dated 4 September 1942, and I want to mention in that connection that the gentlemen, Mann and Weber-Andrae, represented Farben, but the gentlemen, Wurster and Hoerlein were not present.

Degesch Document 26 will become Exhibit 22. This shows statistics about the Zyklon turn-over which were sent every month to Bayer. I have compiled a whole number of such turn-over statistics. They merely contain statements about the turn-over of Zyklon and other drugs, in Germany and abroad, but in no single instance do they contain any indication about the purchaser of Zyklon so that from these turn-over statistics one cannot conclude who the final consumer was.

Degesch Document No. 50 will become Exhibit No. 23. This is an auditor's report of a trusteeship enterprise which had been given the mission of checking the balance sheets of the Degesch.

I now turn to Degesch Book No. II. Document 19 will become Exhibit No. 24. This is an affidavit of Josef Schmitz who states that the Department F contained the business reports of Degesch. He indicates the time when these reports came in. This affidavit also contains detailed state-

ments about the turn-over of Zyklon as far as that could be seen from the business reports in 1939 through 1943.

Document No. 24 will become Exhibit 25. I have no remarks.

Document No. 25 will become Exhibit 26. This merely shows that business report No. 43 reached Farben only as late as 1945.

Document No. 23 will become Exhibit No. 27. This is an affidavit of Kleinhenz where he compiles the instructions for the gas chambers. From this it can be seen that gas chambers were furnished for the Reichsleitung-SS, and it can be seen further from this statement that these chambers would go to concentration camps which are listed by name, Sachsenhausen, Mauthausen, Hamburg and Buchenwald. For the translation it is pointed out to me that it should read Entwesungskammer. That is decontamination chambers.

Document No. 20 will become Exhibit 28. That is an affidavit by Dr. Paulmann who says that the Degussa considered the Degesch as its own particular sphere of activity, and that he himself who was the chief of the department of insecticides in Leverkusen, did not become suspicious when the turn-over increased, that some objectional use was made of this. He also points out that a decontamination drug of Farben, Diamothano, had increased even more in its turn-over, in 1939 from 13,000 kilograms to 1,750,000 kilograms in 1943.

Document 20-A is an affidavit by the same Dr. Paulmann. He states that he had no knowledge about gasings in concentration camps. This document will become Exhibit 29.

THE PRESIDENT: Just amoment, Dr. Berndt. You gave Document 20 Exhibit No. 20-A; 29 would apply to your Document 33.

DR. BERNID: Mr. President, Document 20-A is in between Document 20 and 33. Document 33 will become Exhibit 30. This is an affidavit of Mr. Bernau, a director of the Degussa. He states that Mr. Mann became the business manager only because the Scheideanstalt and I.G. Farben each owned half of the shares of Degesch. He states further that Herr Mann never concerned himself with the management itself; that no employee of Farben was working for the Degesch; that the seat of business of the Degesch was in the offices of the Scheideanstalt; and that the business management of Degesch, after its acquisition by Farben, remained in the hands of the Degussa afterwards. He explains further that the members of the administrative counsel, or the Verwaltungsausschuss, had no insight into the current business, and they also had no influence on them. He says furthermore that the increase of the sale of zyklon was known to the members of the Verwaltungsausschuss, but that that could not cause suspicion.

Document 34 will become Exhibit 31. I shall skip any comment on this because it is my intention to call this witness on the stand.

Document 56 will become Exhibit 32. This is an affidavit of Dr. Goldschmidt. In this affidavit he states briefly that the Degesch grew because of the work of leading people of Degussa; that the Verwaltungsausschuss was informed only on the general outline, and it was destined to settle disputes of the partners concerned. He states further that no details of the Degesch business were ever discussed in the meetings of the Verwaltungsausschuss. At the end he states that during the war he had heard nothing about the use of zyklon for mass exterminations, and that he hadn't the slightest doubt that the othormembers of the Verwaltungsausschuss also did not know the use of this zyklon and they had no idea to what use it was being put.

Document 27 will become Exhibit No. 33. This is an affidavit of Schmitz who explains the handling of the monthly turnover compilations.

I have no further comment about this document.

Degesch Document 36 will become Exhibit 34. This is an affidavit of the inventor of zyklon whom we shall hear this afternoon as a witness.

Document 37 will become Exhibit No. 35. This is an affidavit of the business manager Stiege who testifies that the Verwaltungsausschuss did not interfere in the business management, and that in the case of visits paid to Degesch he heard nothing about rumors of gassings in concentration camps.

Document 39 will become Exhibit 36. This is an affidavit of Mr. Sossenheimer who also states that Farben representatives were not informed about details of the Degesch business in the Verwaltungsausschuss. He believes that he has seen Mr. Wurster a few times in Ludwigshafen. Mr. Mann he saw once, he said, and Professor Hoerlein never at all. The increase of the sale of zyklon he considers unobjectionable, and he states that he heard nothing about rumors about gassings.

Document No. 38 will become Exhibit 37. An employee of Degesch by name of Amend states that he had known that zyklon was shipped to concentration camps, but that he understood the reason for that very easily, because there were many barracks there and that that caused the danger of typhus. He heard about gassings only in March 1945 for the first time.

Document 40 will become Exhibit 38. This is a regulation issued by the Reich Minister of Food and Agriculture which says that zyklon must have an anti-toxin, but only in the case of use in buildings that are built close together, and not in other instances.

Document 30 will become Exhibit 39. This is an excerpt from the Journal of Insecticides and Pest Control of August 1944. I only quote: "When Zyklon-B is used with or without warning agents, no difference could be observed."

Document 52 will become Exhibit 40. Here the Essauer Werke sends a telegram. They are the plants manufacturing zyklon. They send a

telegram to Degesch that they were not able to receive the necessary adding material and that therefore they wanted to terminate production.

Then Document 29, which will become Exhibit 41, is an answer of Degesch which states that the zyklon should be continued to be produced without this warning agent.

Document 28 will become Exhibit 42. This is a confirmation of Dr. Peters' that zyklon can be produced temporarily without irritant.

Degesch No. 51 will become Exhibit 43. The Degesch advises the producing firm that the stabilizer which was formerly added with a proportion of 0.1 per cent be increased to 1 per cent. The reason was that the stabilizer gives a certain odor and that therefore a certain warning effect is being produced.

Degesch Document 32 will become Exhibit No. 44. This sets forth that the chloro-carbonic acid ethylester was furnished by the Uerdingen plant of Farben, but that at least 1 per cent, and at the most 2.6 per cent were furnished every year to Dessau, and the money for this was at least 900, and at the most 6,400 marks per year.

Degesch Document 31 will become Exhibit No. 45. I have no comment.

Document 21 will become Exhibit 46. This is an affidavit of Dr. Moenik. It shows the sale to the army, including the Waffen SS, Reich Labor Service and Organization Todt amounted to 50 per cent; that this sale later increased; and that the delousing plants were used to prevent typhus epidemics, and that the Wehrmacht got the largest part, which was 70 per cent.

Document No. 42 will become Exhibit 47. This is merely intended to show that today zyklon is being produced by the Badische Anilin und Soda Fabrik and that that has to be done with the approval of the French occupying authorities.

May I ask Your Honors to take up Document Book VI of Mann for a minute?

In this Document Book 6 there are a few small mistakes in the index that slipped in. On page 4 the first number should be 254 -- not 251. The last number should be -- that is on page 4, Mr. President; the top document number should be 254 -- and not 251. And the last number should be 643 -- and not 614. On page 6 of the index, the last page, the uppermost number should be 387 instead of 557. That is Exhibit 307. From this Volume 6, before examining the witness Mann, I want to offer the documents on page 3 of the index, Document Mann 123, as this exhibit Mann 310, for this document does not refer generally to Degesch but only to my client Mr. Mann. It is an affidavit by Schmitz who states that he did not hear anything about even rumors.

Mann Document 254, on page 4, of the index at the top, will be furnished with Exhibit No. 311. Mann Document 673 will be Exhibit Mann 312. And Mann Document 643 will be come Exhibit No. 313.

This concludes the presentation of all documents with the exception of the supplement that I may offer to your Honors when your Honors are in possession thereof.

THE PRESIDENT: What about the balance of the documents in your Book 6?

DR. BERNDT (Counsel for defendant Mann): I shall offer them in connection with Point C, under my program.

THE PRESIDENT: Very well.

DR. BERNDT: Mr. President, you said at the beginning that the Tribunal had one or two charts. May I ask your kind permission to have a look at one of these?... Mr. President, these are charts, but they refer to Bayer and not to Degesch. I have other charts for Degesch and since you have already got the wrong charts I think I had better hand you the right ones now.

THE PRESIDENT: Now, Dr. Berndt, can you tell us where these charts belong? In what books?

DR. BERNDT: These charts constitute the turnover of Zyklon 1 and 2. They should serve as a basis for the examination of an expert witness, Dr. Rauscher.

THE PRESIDENT: In what book shall we put them?

DR. BERNDT: I ask that they be attached to Degesch Document Book 1.

THE PRESIDENT: And will they have exhibit numbers, or are they a part of existing exhibits?

DR. BERNDT: No, they are going to get proper exhibit numbers as soon as the witness will be examined about them.

THE PRESIDENT: Very well.

DR. BERNDT: Since I didn't have enough copies, I had this chart enlarged and affixed to the wall. May I ask that when we discuss these charts that the big lights be put on so that everybody can see them?

THE PRESIDENT: Very well. We will take care of that at the proper time.

DR. BERNDT: May I ask your permission now to examine the witness Mann about Degesch?

BY DR. BERNDT: Mr. Mann, may I first ask you to tell me what relations existed between Farben and Degesch before 1930?

A About the relations before 1930 I myself am not informed. I know that merely in various fields there was a certain collaboration.

Q In 1930 Farben participated in Degesch. What was the reason for the participation by Farben?

A Around this time a new insecticide had been discovered in Ludwigshafen, in the application of which certain safety regulations of the government had to be complied with. The observance of these safety regulations demanded a certain organization which Farben did not have available. The Degussa (Scheideanstalt) had such an organization available in the form of the "Deutsche Gesellschaft fuer Schaedlingsbekaempfungsmittel G.m.b.H.", Frankfurt on the Main, and this was called in abbreviation Degesch. It was close at hand for Farben to get in touch with the Degussa and to conduct negotiations with Degussa to find out whether the Degussa agreed to a participation of Farben in Degesch.

Q What was the result of negotiations?

A The result of negotiations in 1930 also was first a participation of Farben with 50 per cent so that the Degussa and Farben each owned fifty per cent of the shares. In the same year, however, the same problem cropped up again when the firm TH. Goldschmidt, A.G., in Essen, discovered also an insecticide which again needed a certain organization for its application along the same line as did Degesch. And a third partner was now the TH. Goldschmidt A.G., which participated with 15 per cent, so that the Degussa and Farben each owned $42\frac{1}{2}$ per cent and Goldschmidt 13 per cent of the entire capital.

Q Tell me, did Farben have anything to do with the production of Zyklon?

A Nothing. Zyklon is a patented discovery of Dr. Walter Heerdt, who is one of the people of the Degussa. Already before 1930, before the participation of Farben and Goldschmidt, the Degesch concerned itself with the organization of the sale of Zyklon. On behalf of the Degussa at the firms in Dessau and Kolin, which are both independent firms, this Zyklon was produced. As I was able to see from the Prosecutions documents now, in the case of the production of Zyklon a so-called stablizer was used which was added in a very small proportion to Zyklon. This is the sole contribution to the finished product Zyklon. The stablizer was furnished to many other consumers in much larger amounts.

Q We have just introduced a document about this point. Since Farben was a shareholder of Degesch, to what extent was Farben interested in the sale of Zyklon?

A Farben of course was interested in the profitability of the Degesch participation and, therefore, also in the sale of Zyklon. There is a certain difference in regard to the interest because Farben had offered their own products for sale to Degesch in which, of course, they had a more direct interest because they were the supplier firm. The production of Zyklon was completely in the hands of the Degussa and we considered it their field of interest which we always respected.

Q After Farben entered Degesch, was anything changed in the business management of Degesch?

A Nothing was changed practically. The business managers at the time remained in their positions. The bookkeeping of Degesch which had always been undertaken by the Degussa was continued to be undertaken by the Degussa. There was no change in the relation between Degesch and Degussa. The relation remained the same. The Degesch remained a department of Degussa de facto, and there was a mutual agreement that this old familiar relationship between Degussa and Degesch should not be changed in any way by Farben's participation.

THE PRESIDENT: Dr. Berndt, just before we recess may I remind you that according to our calculation you have used 12 hours of your time, and that you have six hours left, so that you know how to apportion your time in the future.

The Tribunal will now rise.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

WILHELM MANN -- Resumed

DIRECT EXAMINATION -- Continued

BY DR. BRANDT:

Q. Mr. Mann, before the recess you said that as a result of Farben's interference, Degesch experienced no change in its business management. Well, in 1930, you became the business manager of Degesch, did you not? How did that come about.

A. There is a background to the story. Mr. Schlosser, in 1930, when Farben decisively entered into the Degesch affairs, was appointed business manager. Stiege, who later became the business manager, was a Prokurist. When Farben acquired 50% it was necessary, in order to bring about a parity of interest, that Farben appoint a business manager. That is how it came about that Scheideanstalt had a business manager. I took over this purely formal activity because I was the head of the Sales Combine Bayer to which the business, with respect to production of insecticides, belonged.

Q. Very well. But it has not yet been established why a Vorstand member of Farben would have to become a business manager of Farben. Couldn't a non-Vorstand member receive that position?

A. Since a principle of parity was to be maintained, there had to be a Vorstand member of Scheideanstalt as well as a Vorstand member of Farben.

Q. With respect to your activity as a business manager, was there anything arranged between you and Mr. Schlosser, Farben and the Degusa?

A. There was an express agreement to the effect that Degesch's business manager which, up to now was always managed by the Scheideanstalt, was to continue to remain with Scheideanstalt and therefore, my activity as a business manager never came into effect. I was never there and throughout the entire time I didn't enter the office of Degesch. Never from 1936 to 1945.

Q. Would you be good enough to look at Document Book 1, and to turn to Document 46. This, I think, is Exhibit 11. I have already quoted before that Mr. Stiege designated you as an honorary business manager who only dealt with the business management of Degesch in very broad outlines. What can we understand by that?

A. I was present during that meeting in my capacity as Farben's representative, and I was also listed as business manager. As it was customary during such conferences, after the end of a business year I expressed my thanks to Degesch for their business activity during their last year, and I added that I, as an honorary business manager, was only in a position to look into their business to a very superficial way. I furthermore said that I was convinced that the business rested in good hands.

Q. Well, I didn't quite understand that. Either you are a business manager or you are not a business manager. What do you mean by this "honorary business manager" in relation to the practice executed by any business?

A. That means that the Farben industry wanted to maintain the principles of parity and therefore wanted to appoint me with the equal rank as Mr. Schlosser. The addition of "honorary" means that the practical business management was handled by Scheideanstalt, who were the gentlemen who had handled it up to this point and I may add that Scheideanstalt would have considered it a very serious interference with their well confirmed rights if I or any other gentleman of Farben would have tried to interfere with their business.

Q. Very well, that is clear now. But where were you limited in your execution of your work? Why didn't you actually conduct your affairs as a business manager?

A. That was arranged on the basis of the traditional relationship between Scheideanstalt and Farben, the effect of which was that we would leave to Scheideanstalt the management in all those fields in which they were leading. We were respecting one another's rights which

went back to the agreement between the leading gentlemen, Bosch and Busemann.

Q. How long were you a business manager?

A. Up to 1940.

Q. And what happened after that?

A. In 1940 a new situation arose. This came about because Scheideanstalt and Farben jointly participated in a chemical pharmaceutical enterprise, the Chemiewerke Frankfurt/Main. Since Scheideanstalt was leading in Degesch, not only for reasons of parity, but also for technical reasons, it had been arranged that I would take over the business management as a managing partner in the Chemiewerke. That meant that I exercised supervision as a managing partner of the Chemiewerke, and Mr. Schlosser maintained his position as supervisor of the Degesch.

Q. Very well. What kind of an organization did you preside over? Sometimes it is called an administrative council and at other times it is called an administrative committee.

A. According to the documents, it should be designated as an administrative committee.

Q. What institution was that?

A. The administrative committee was not thought of as a company, but was merely to represent a platform for the adjustment of the interests of the companies -- that is, Scheideanstalt, Farben and Goldschmidt.

Q. Were the members of the administrative committee informed of Degesch's business, and to what extent and in what form?

A. Once a year all members were informed through the regular business report. Leverkusen, that is to say, a department which belonged to the Sales Combine Bayer, received every month the detailed turnover figures according to conditions and productions.

Q. How often were there meetings of the Verwaltungsausschuss (administrative committee)?

A. As far as I remember, there were regular meetings before 1939. That is, before the war every year, and I think that they coincided with the so-called partner meetings. In other words, they tried to combine all the necessary meetings.

Q. Were those who were members of the Verwaltungsausschuss and those who represented the companies the same?

A. Yes, they were the same personalities.

Q. Very well. Was there any distinction between the partner meeting and the meeting of the Verwaltungsausschuss, and were separate minutes taken?

A. No. Both of these meetings were combined and they clearly made the stamp of formality. I remember that often minutes were sent to me which I subsequently signed at Leverkusen.

Q. And, on the occasion of these meetings, the representatives of Farben, Degussa and Goldschmidt met?

A. Yes.

Q. And what did they do when they did not attend these meetings?

A. We welcomed the opportunity of meetings because this afforded us an opportunity to discuss problems which were of mutual interest. I might say that the part that Degesch took in these meetings was of minor importance and very often they were more important and serious problems to be dealt with concerning our two firms. These matters were not dealt with during the meeting but subsequently during luncheon which followed.

Q. You were speaking of business reports before? How often were such business reports published?

A. They varied. We could exercise no influence upon its distribution and, in the final analysis, they were not very important.

Q. We have seen from the Document Book that in addition there were monthly turnover reports. Did Leverkusen receive such turnover reports?

A. Yes, we received the reports in an office which was a

department within the framework of my Sales Combine, the so-called Department F. The abbreviation stood for Fremde, Department Fremde.

These were firms which only participated with us, and that is how we received these turnover reports.

Q. Did you yourself see these turnover reports? Did you read them?

A. No.

Q. Who was the head of Department F?

A. This was Dr. Joseph Schmitz who worked on these matters.

Q. Did he know about the relationships between Farbon, Scheideanstalt, and Degesch?

A. When Mr. Schmitz took over the department -- and I think that was in the year 1936 -- he visited Degesch in Frankfurt on his own initiative because he found this firm was among those firms for which he was responsible from an administrative point of view. I remember quite well that Dr. Schmitz returned from this journey and he told me that Dr. Stiege, the business manager, refused to give him an insight into the affairs of Degesch's business affairs, and that Dr. Stiege referred him to Schlosser and myself. Then Mr. Schmitz asked me if that was true. I have confirmed that on the basis of the conference described before.

Q. Did you yourself have an opportunity to learn of affairs concerning Degesch?

A. No.

Q. Why not?

A. Because I received no material concerning business affairs apart from the figures, and those I did not see.

Q. And had you talked with Mr. Schlosser about these matters, what would he have said?

A. He would have said, "Mr. Mann, remember our agreement".

Q. How were Degesch products sold? Do you know anything about that?

A. Naturally. I knew that Degesch was a special organization for the sale of disinfectant agents, and for insecticides generally are very

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A. Naturally. I knew that Degesch was a special organization for the sale of disinfectant agents, and for insecticides generally are very

dangerous and therefore subject to special police precautionary measures, and I knew that Degesch sold their entire production - cyclone and Farben products - to two firms. That is, Tesch in Stebenow, Hamburg, and Heert and Lingler in Frankfurt.

Q. Did you know any details about the way in which the business relationships between Degesch on the one hand and Tesch and Heerdt on the other were developed?

A. No, I knew nothing about that.

Q. Did you know that these firms sent to Degesch a copy of their shipments, particularly with respect to every cyclone shipment?

A. Well, these were just business deals which did not come to my knowledge.

Q. When did the last Verwaltungsausschuss meeting take place?

A. The last Verwaltungsausschuss meeting took place in the year 1940, covering the business of 1939. There was a partner meeting in the year of 1942 for the year of 1941. Then, according to mutual agreement, we arranged all partner decisions by way of writing. That was a general rule applied in the further course of the war in order to limit the use of transportation, and also, for other technical reasons. All these partner meetings were to be curtailed as much as possible. Everything was to be done by way of writing.

Q. Did you read the business reports of Degesch?

A. I would assume so.

Q. There was a statement in those business reports concerning the development of the cyclone sales. Wasn't the increase in that sale somewhat conspicuous to you?

A. No. In the development of the cyclone sale, if it came to my attention at all at that time, I could see nothing whatsoever which could be termed conspicuous. I know that as a result of the war there was a tremendous increase in the demand of effective delousing and decontaminating agents. The serious contamination of the East with vermin, in particular with lice, and the typhus danger connected with it was known

to me from other experiences. Therefore, I considered it to be a matter of course that the war, or especially the war in the East, made necessary the bringing about of a tremendous increase in the cyclone sale. I believe that consequently I did not mentally take note of this increase of the cyclone sale. I am sure that I considered it as being quite natural. At any rate, it never entered my consciousness as being in any way conspicuous.

The war, which, after all, brought about increases with respect to many things. With regard to our own Diamethan which was used for the same purpose, the increase was quite extraordinary also.

Q. Were there any close connections between you and the former business manager of Degesch, Dr. Peters?

A. No. I remember Dr. Peters and I think I saw him on the occasion of one or two meetings. Once he held a lengthy lecture concerning the general tasks of Degesch, but I no longer remember and I think it is out of the question that I saw him after 1942 when the last meeting took place, but I cannot say that I am absolutely certain of that. I do not remember.

Q What impression did you gain of Dr. Peters, and what did you perhaps hear from other gentlemen about Dr. Peters?

A Personally I only gained the impression which is ordinarily gained if one sees a person once or twice. The impression was generally favorable, but as far as I was concerned this was of no importance because the Scheideanstalt had already known him for two decades. After all, he is a man belonging to Scheideanstalt and I never thought that he would not be suitable.

Q Did you know that Dagesch had Zyklon produced without irritants?

A I did not know that fact, and I might say that I did not know at all that an irritant was added to Zyklon.

Q Did you know that Zyklon was shipped to concentration camps?

A No, this fact was not known to me.

Q But I stressed before, when dealing with the business reports, that mention is made of Zyklon decontamination chambers to various concentration camps. Did you not have to conclude necessarily that Zyklon was delivered to concentration camps?

A These Zyklon decontamination chambers were sent to very many public places, to decontamination institutes of municipalities, to camps, to the Wehrmacht. To a very considerable extent I knew that they were sent to every locality where masses of people were housed. It may be that I read that report, but it didn't strike me at all as being in any way extraordinary.

Q What did you know about concentration camps?

A I only had very general, and I must say somewhat sketchy imaginations of them. I was aware that concentration camps were institutions which were intended to hold political persecutees or other persecutees of the Third Reich. I always thought of these institutions with a certain amount of horror. What, however, went on there specifically and in particular the thought that such atrocities went

on in those camps was entirely unknown to me.

Q Did you ever meet a person who was in a concentration camp himself, or did you meet anyone who was able to relate to you direct impressions of his experiences in such a camp?

A I remember of no case of having received any personal report about that subject at all.

Q Didn't you hear of rumors about the extermination of human beings in concentration camps?

A I heard no reports about such exterminations.

Q Didn't you receive any foreign reports about concentration camps?

A From foreign sources I heard no rumors whatsoever. You mean about the exterminations in concentration camps?

Q Yes.

A Well, naturally, there was a lot of talk abroad about concentration camps as such.

Q And among all that lot of talk you mentioned, wasn't extermination mentioned too?

A No.

Q Did you listen to foreign broadcasts?

A Occasionally.

Q Can you tell me the station to which you listened?

A I listened mainly to BBC.

Q And you heard nothing from BBC?

A No.

Q You have submitted a number of affidavits which show that you had connections with Jews. For how many years, that is, up to what year did such connections with Jews exist?

A Connections with Jews with whom I had personal relations ceased already before the outbreak of the war. These were gentlemen whose acquaintance I made as a result of business and private connections and whose personal fate I could observe and in many cases perhaps

I was able to alleviate it. Beyond that I knew a number of Jews, I might say Jews of prestige, and those Jews I have seen for some considerable time and I can't really remember when I stopped seeing them. Among my employees, as far as I remember, I had no Jews at all. I had some Jews among our representatives and I already mentioned that. There were no Jewish workers at the plant.

Q Well, a number of facts as it is stated in the trial brief must have given rise to certain misgivings on your part. The Jews disappeared from Germany. The anti-Semitic incitement increased daily. Jews were deported en masse. Didn't that give rise to some misgivings on your part?

A Dr. Berndt, I didn't witness any mass deportations. I must state that the disappearance of those Jews whom I knew had a natural explanation for me. I knew exactly how that came about. I was never in a position to observe anything in connection with these occurrences, that would have given rise to any misgivings on my part. That Jews were always persecuted, that the incitement against them increased, that the Star of David was introduced, that all of us could see. I could see these people in the railroad stations or when they went shopping, I could see the yellow band around their arms. Unfortunately we saw that and we were ashamed of ourselves.

Q I must put the following to you. The prosecution asserts the following. They say it was known abroad that mass murder was going on among Jews and political persecutees. Industrial heads up to the end of the war had connections with abroad and through this channel, that is, through their connections with abroad, they must have heard and received knowledge of what was known there, and what can you say about this matter which was put forth here?

A My own experience opposes this assertion on the part of the prosecution. I must say that although I was abroad a few times I never heard anything at all of these mass exterminations and one, after all, can only shut one's eyes to something one could see, and

I didn't see anything in this connection.

Q And did you hear anything?

A No, I didn't hear anything either.

DR. BERNDT: Your Honor, for the moment I have no further questions to Mr. Mann, but I should like to ask for your permission that the inventor of Zyklon B, Dr. Heerdt, be called to the witness stand.

THE PRESIDENT: Very well, the defendant Mann may resume his seat in the dock and the Marshal will bring in the witness announced by counsel.

DR. BERNDT: Your Honor, I may perhaps use the time we have now. In my hand now is an empty Zyklon can which may be used by the expert in his examination. This, for the purpose of identification, will be Degesch number 69.

WALTER HEERDT, a witness, took the stand and testified as follows:

THE PRESIDENT: Mr. Witness, will you please remain standing for the purpose of being sworn. Raise your right hand, say "I", and state your name for the record.

THE WITNESS: I, Walter Heerdt.

THE PRESIDENT: And now repeat after me the oath: ...swear by God, the Almighty and the Omniscient, that I will speak the pure truth and will withhold and add nothing.

(Witness repeated the oath.)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

BY DR. BERNDT:

Q Dr. Heerdt, would you please state your present residence?

A Nussdorf am Attersee in Austria.

Q And what is your profession?

A I am a chemist.

Q Are you still exercising your profession at present?

A I am not a chemist at the moment, and I haven't been a chemist for some time. I am writing at the moment.

Q.- How old are you now?

A.- I am sixty years of age.

Q.- Doctor, what is your connection with the German company for insecticides, the Degesch?

A.- I was the first manager, in 1919; that is the date of the foundation of the company. The company was founded on the 1st of April, 1919.

Q.- Did you invent any substance which was of importance for the combatting of vermin?

A.- Yes --

THE PRESIDENT: Mr. Witness, may I remind you that we understand only the English language and we have to depend on the interpretation of your testimony. That requires a little time after you or counsel speak before the translation reaches us. If you answer too quickly, we get a mixture of both languages. Would you please hesitate momentarily after the question so that we get the translation before you answer the question?

• Thank you.

Q.- Doctor, would you be good enough to repeat whether you invented an insecticide?

A.- Yes.

Q.- And what was its name?

A.- Zyklon, Zyklon B.

Q.- Would you briefly describe what Zyklon B actually is?

A.- Zyklon B is the name for an absorption in inert substances of prussic acid, and it is packed afterwards in cans hermetically.

Q.- Perhaps we didn't understand the expression you used -- "Inertes Stoff."

A.- That is a substance which does not kill insects.

Q.- And what is the effect of that Zyklon?

A.- Zyklon is a gas; it is a poison gas.

Q.- And what is the external effect, described in a few words?

A.- The can is opened. There are a few possibilities for opening the can. The contents are spread around and it dilutes into liquid prussic acid in ordinary room temperature. That is, it evaporates.

Q.- I have a can before me upon which the name of Zyklon appears.

A.- Yes.

Q.- On top of that can there are holes punctured, like on top of sieves. What is the significance of these holes?

A.- This can originates from the Decontamination Institute of Nurnberg, and we had the can fetched today in order that the Tribunal may understand how such a can with Zyklon looks. The holes about which you asked me, and to which you draw our attention, have come about through punctures. There were punctures made on both sides, not only on one side, and that was done through a machine process.

The process is the following. Warm air is pressed and blown through the can in order to give the prussic acid an opportunity to evaporate and emerge at the other side of the can of gas. If I may explain just briefly for what purpose Zyklon is used in Nurnberg

There are a few chambers here at the Decontamination Institute where a number of materials, in particular, furniture, are gassed in order to get rid of bed bugs and moths.

Q.- You were just speaking of chambers..... We read about that today in documents. Would you please explain to us what such a chamber means?

A.- These decontamination chambers, as we call them, can be built from a number of materials, mostly they are made of cement. And inside they have plaster. They either have one or two doors through which the objects to be decontaminated are introduced. These doors are so constructed as to afford a possibility of closing them hermetically. The gas can be developed in many ways from these Zyklon cans. The simplest process is this.

The can is opened with an ordinary can opener or, under certain cir-

Court No. VI, Case VI

cumstances, with a special instrument which was constructed for that purpose, and the contents of the can are poured out by hand onto the floor. As I already stated, in the Nurnberg Decontamination Institute there is, I might say, an automatic installation with which, as I have said before, air is blown through these holes which you have just shown us. I think that is all that I might have to say in order to make you understand the purpose of the can.

Q.- I think that will suffice.

Is the product contained in those cans a Farben product?

A.- No.

Q.- Why not?

A.- Farben never had anything to do with Zyklon — neither with its development nor with its production.

Q.- We heard here that Farben has delivered stabilizers for the production of Zyklon.

A.- That is true.

Q.- Tell us what a stabilizer is.

A.- The stabilizer prevents the polymerization, that is the chemical desintegration, as a layman would put it.

Q.- What is the part which this stabilizer plays in the production of Zyklon?

A.- Very slight. I think about one tenth of one per cent.

Q.- At any rate, not so much that Zyklon can be designated as a Farben product?

A.- That is out of the question.

Q.- Well, this can is relatively large, is it not?

A.- Yes.

Q.- On the outside of the can it says "Cyanide content 1,000 grams." Would you please explain that to me?

A.- As I said before, prussic acid is a liquid in case of room tempo-

ture. Therefore, it can be absorbed like water through a sponge, and there is a sponge-like material contained in that can which must be somewhat larger than the space which prussic acid itself takes up. This can contains one kilogram of prussic acid and — I am sorry I cannot give you the exact weight — and in addition it contains this absorbing material which fills up the rest of the space inside the can. Therefore, the can appears to be much larger than its volume actually is. To express this in American terms, one quart liquid; and the can itself holds about one gallon.

Q.- We heard that Zyklon-B is used as insecticide.

A.- Yes.

Q.- And why does Zyklon-B act in that way?

A.- It does because of its prussic acid content.

Q.- Can one kill human beings with prussic acid?

A.- Yes.

Q.- How does this prussic acid affect a human being and how does it affect insects?

A.- One has to distinguish between warm-blooded animals and ordinary insects, both of which react differently to prussic acid. In the case of warm-blooded animals, to which the human being belongs, prussic acid has a paralyzing effect on the respiratory system; and apart from that it is a poison affecting the respiratory organs.

If I may explain that briefly, I would say that Prussic acid prevents the introduction of oxygen in the blood. One could perhaps talk of an internal suffocation. I forgot to add something. In the case of insects, the effect is different but it is not yet known what the actual effect is. The physiology pertaining to insects has not been researched sufficiently.

Q. What amounts of Zyklon have to be applied in order to kill insects in a certain space?

A. That depends on whether one deals with warm blooded animals or insects, that is to say, whether they are rodents, rats or mice, or moths, lice, bedbugs, etc. In the case of warm-blooded animals, the concentration which was officially asked for gassings of ships, is one point two, up to one point five grams per cubic meter. In the case of insects, the concentration is considerably larger. Insects do not breathe through lungs, but through tracheae, through which the introduction of air into the insect's body is much slower than in the case of warm-blooded animals, which through the movement of the lungs suck in the air. Consequently in the case of insects, much larger concentrations are used, and in our case, in view of our moderate climate, only 10 to 20 grams per cubic meter.

The temperature, however, is of some importance in that connection. In the case of higher temperature, the air intake of insects is far more rapid than in the case of lower temperatures, which restrict their movements to a considerable extent.

I think that is all.

Q. Yes, I think that will suffice, and I think, Doctor, we do not have to go into technical details.

We have a Zyklon can before us, with a cyanide content of 1000 grams, - that is, one Kilo gram. How many human beings can be killed with that can, if such human beings as it has been described to us, are put into a hermetically closed gas chamber?

A. Unfortunately, I have to speak about that at somewhat greater length because otherwise you would not understand me.

Q. Doctor, would you please be good enough to just give us the basic outlines and be as brief as possible?

A. Provided that within one minute a human being's breathing has 24 breath intakes, that the weight of the body is 60 kilograms, and that the gas is evenly distributed in the chamber, -- I think you are referring to the incidents in Auschwitz?

Q. No, I am asking you quite generally, I do not know any of the measures pertaining to Auschwitz.

A. Furthermore, provided that the fatal dosage is - one milligram per Kilo of the human body's weight, - that is to say 6- milligrams are needed to kill a human being, for a chamber, - that is an example which was given to me, - of 76 cubic meters, - 190 grams are needed.

This amount would be fatal within one minute, for all of those human beings present inside of the chamber, irrespective of their number. If the effect is to be reached within two minutes, only 95 grams would have to be used. If the effect is to be reached within three minutes, only 63 grams will be necessary. Will that suffice?

Q. I think it will, but I believe that we can leave these technical questions now. What were your personal connections with Degesch?

A. As I have already stated before, I was the first business manager of Degesch, and in 1925 I left my position in that capacity and I founded another firm of my own, together with a Mr. Lingler.

Q. That is the firm Heli?

A. Yes.

Q. Would you briefly describe to me how Degesch developed? You can be very brief because I have already explained that by the use of documents.

A. In 1919, as I have said before, Degesch was founded. At first it almost exclusively dealt with the use of Prussic Acid for the killing

of vermin imprisoned in various objects. Predominantly they used a process which was transmitted to us from the United States, of combined sulphuric acid and cyanide. That is a somewhat awkward, rather dirty process, and that is why I tried to find a more simple method in order to be able to transport the gas more easily.

In 1922 I entertained the idea which I explained before, and which finally led to this form of a substance of Prussic acid as insecticide.

Degesch worked with that material, and in the course of the years it was, through license arrangements, adopted in the United States, England and France, and finally in Czechoslovakia, and today it is also being produced in Holland.

Degesch itself ceased its activity with respect to the insecticides in 1925 because Tesch, Stabenow, Heerd and Lingler took over this activity, and that is how it still stands today.

Q You say that you were the first business manager of Degesch.
When did you leave your position as business manager?

A In 1925.

Q Didn't you then enter into another personal connection with Degesch?

A Yes. In 1930 I was appointed to the Verwaltungsausschuss--administrative committee -- to which I still belong today.

Q Since you were a member of this administrative committee, did you as a result have any dealings with Degesch's business?

A No, not at all.

Q Did you gain any insight into such business?

A No.

Q Were you informed of any current business affairs?

A No.

Q And about what were you informed?

A About the yearly business decisions made.

Q And in what form were you informed?

A I was informed through reports by way of writing.

Q Was that the so-called "business report?"

A Yes.

Q And that was sent us every business year?

A Yes.

Q Did you, as a member of the administrative committee, receive turn-over reports?

A No.

Q Doctor, how long were you in Frankfurt where Degesch's location is?

A Up to the year 1941.

Q And during the war you left Frankfurt?

A Yes.

Q But wasn't that very difficult? Why did you move?

A I was thrown out.

Q And who threw you out?

A The Gestapo.

Q And will you please give me the reasons for this interference by the Gestapo?

A I shall try to be very brief. My wife was arrested in the middle of July 1941. Two days later I contracted pneumonia and I was no longer able to work. At the time my wife was arrested, I was in Vienna. When I returned to Frankfurt, I fell ill with this pneumonia. After four weeks, my condition got worse, and afterwards I had to remain for months in hospitals and sanatoria. At the beginning of February, 1942, I was arrested at the Vienna hospital where I had moved to because I knew the director of the clinic very well. I was sent to Frankfurt into the police prison where my wife was. Only through a very fortunate coincidence by the interference of Winifred Wagner of Bayreuth, who intervened on my behalf with Himmler, both of us were released relatively soon from the prison. However, we are destined to go to a concentration camp which became apparent from the files, as our counsel told us later. Since neither of us had ever been interrogated, I asked why we were arrested at the time of my release. After some reluctance, I was given the reply, "because of your connections with Jews." I don't think, however, that was the sole reason. In 1945, when I once more went to Frankfurt, I was shown my card index by the CIC of Frankfurt which the Gestapo filed for me, where it was stated that I was known to be an enemy of the state, as it was designated at the time. To go back to June 1941, I was forced to give up my position as business manager of Heli, and when I was arrested I was told that it would be better for me to leave Frankfurt. That is how I went to the Salzkaaserut where I stayed since May 1942.

Q Are you a German or are you an Austrian?

A I am both.

Q Both?

A I have been granted Austrian citizenship last year.

Q You told us that you later became a member of the administrative committee. You told us how you were informed. You said that you only received the business reports once a year; that you had no insight into the current business affairs. Now let me ask you this: since you were Degesch's first business manager, didn't you ask to be given insight into their business management, or weren't you in a position to do so?

A No, I had no reason to do that because this would have meant that I showed lack of confidence in the S. Heideanstalt with which I entertained very friendly relations.

Q You know, and I think you hinted at it before, that in 1942 Degesch's gave up its participation in the Testa?

A Yes.

Q Was the approval of the administrative committee asked for at the time?

A No.

Q In Degesch's files, we found minutes in which the business manager of Degesch, Dr. Peters, states that the administrative committee refused its approval to that arrangement. How can the business manager state something like that if the administrative committee had no word in that field?

A Well, Dr. Tesch was a very unpleasant person with whom to negotiate, and I therefore think that he merely made that statement for tactical reasons.

Q Do you still know when the last company meeting of Degesch took place?

A I don't know exactly, but I think it was in 1940.

Q From the business reports, you have seen that the zyklon, which you invented, experienced a considerable increase in its turnover. Didn't that give rise to a suspicion on your part that this zyklon

was misused for illegal purposes?

A No, not at all. It is customary that all products are subject to an increase in their turnover during war time, and as far as these decontamination agents are concerned, that is doubly true as a result of the occupation of countries where typhus had spread, as for instance, in southern area Poland. The demand, of necessity, had to increase because zyklon is the principal substance for the combatting of typhus. I must perhaps add that the louse is the only insect spreading typhus, and that it was necessary to exterminate these lice as effectively as possible.

Q In other words, in your opinion, as the inventor of zyklon, the increase of the turnover of zyklon is in no way suspicious?

A Not at all.

Q Did you know that zyklon was delivered to concentration camps?

A No. I knew, and I think that was shown by one business report, that zyklon was sent to the delousing chambers of concentration camps. But the shipping of zyklon to the army administration and to the SS was handled in a very centralized way, and that was true during the time I was still in Frankfurt.

Q That is quite true. It says in those business reports that decontamination chambers were delivered to concentration camps which were even mentioned by name. Must one not presume that if such chambers were sent there, zyklon was sent there as well?

A Probably.

Q Let us assume that you actually knew that zyklon was delivered to concentration camps, would you then have had to have a suspicion that this zyklon was used to kill human beings?

A No, not at all.

Q And why not?

A Because it was used for delousing purposes and debugging purposes to a considerable extent. As I explained before, there could have been no thought at all of its use for the purposes of killing human beings.

2 April 1948-A-MSD-27-5-Gaylord (R'mler)
Court VI, Case VI

THE PRESIDENT: Dr. Berndt, it is time to adjourn.

DR. BERNDT: Your Honor, I must correct something. Mr. Sprecher drew my attention to the fact that I designated this zyklon can as Exhibit 69. It should really have been Exhibit 48.

THE PRESIDENT: The record will stand corrected accordingly. Now, gentlemen, we are about to recess until tomorrow morning, and may I remind you that we shall convene at nine-thirty and adjourn at four-thirty tomorrow. The Tribunal is now in recess.

(The Tribunal adjourned until 0930 hours, 3 April 1948.)

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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Official Transcript of Military Tribunal VI, Case VI,
in the matter of the United States of America against
Karl Krauch, et al, defendants, sitting at Nurnberg,
Germany on 3 April 1948, 0930 hours, Justice Shake presiding.

THE MARSHAL: Persons in the Courtroom will find their seats.

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United
States of America and this honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, will you ascertain if all of the
defendants are present in the Courtroom?

THE MARSHAL: May it please your Honor, all the defendants are
present in the Courtroom save the defendants Lautenschlaeger and Haef-
liger, absent due to illness.

THE PRESIDENT: Are there any necessary announcements from coun-
sels?

You may proceed with the examination of the witness, Dr. Berndt.

DIRECT EXAMINATION (resumed)

DR. WALTER BERNDT

BY DR. BERNDT:

Q You told us yesterday, toward the end of your examination,
that in 1940 or '41, you moved to Attersee?

A Yes.

Q You were in Austria as a member of the Verwaltungsausschuss;
Mr. Mann was in Leverkusen; Mr. Hoerlein was in Elberfeld and Mr. Wurster
was in Ludwigshafen. Did the fact that these four gentlemen lived in
4 different places hamper the communication in any way? Was it equally
easy for all of you to get information?

A It was equally easy for all of us.

Q Thank you very much. Do you know that in 1943 or '44, the
Degesch gave Zyklon without irritant to an AS Obersturmfuehrer of the
SS?

A No.

Q Do you have any indication to believe that other members of the Verwaltungsausschuss learned anything about these shipments?

A No.

Q If you had known that Zyklon without irritant had been furnished to an SS agency, would this knowledge have caused you to hate the suspicion that this Zyklon was going to be used to kill human beings?

A By no means. It would have made no sense.

Q Why not?

A Because the irritant has no effect in that direction. Besides that, an irritant was used during the First World War for military purposes. As a Chemical warfare agent. The French used Prussic Acid as a chemical warfare agent. As far as I know, we made experiments with this acid which did not have any result, however.

Q Did you or other members of the Verwaltungsausschuss know that the Degesh furnished Zyklon directly to SS agencies?

A No.

Q In violation of the right to furnish Zyklon by the Testa and Heili only?

A No.

Q Did you ever hear that Jews were gassed in concentration camps in great numbers?

A No.

Q When did you hear about this for the first time?

A In July, 1945, from Dr. Rauscher, who visited me in Nussdorf on the Attersee and who informed me of it because he had heard it shortly before that on the Moscow Radio.

Q You told us yesterday that you associated with many Jews. Through your Jewish acquaintances did you not hear that the Jews were being exterminated in great numbers, or that they were to be exterminated?

A No. I did know very well, and my circles also knew, that the Jews were being resettled to the east, under circumstances, it is true, that were undignified, and that they had to live in Ghettos, under circumstances under which life was practically no longer possible.

This may sound especially remarkable in my case because I actually was in touch with opposition circles, but it is nevertheless true. At one time I made a comparison in a letter to a friend of mind abroad. I said the knowledge of conditions in the concentration camps can be compared to the knowledge of the conditions in Hell. One knows that Hell exists, but one does not know exactly what it is like, and geographically also, the comparison is not quite bad. One did not know in the case of many concentration camps, at least for me personally, one did not know where they were situated. I myself only knew of four or five concentration camps, although on two occasions I visited a concentration camp in Buchenwald at one time, and then again in Mauthausen.

I was in Buchenwald in order to pick out the site for a delousing installation, and in Mauthausen I was there because I wanted to complain that Zyklon was being called for from the factory without passing it through the normal business channels.

Q Tell me, did you listen to foreign radio stations regularly, Doctor?

A Not quite regularly, but very frequently, to the extent that I considered it safe.

Q What stations did you listen to?

A Mostly London, the German transmission.

Q In the case of these transmissions, did you hear anything about gassings of Jews?

A Never.

Q Was Zyklon ever mentioned?

A Never.

Q Did you ever get the idea that Zyklon might be used as a means for killing people in great numbers?

A Never, I cannot imagine that a human being, with normal feelings, can get such an idea. I could not imagine it even at that time.

Q Doctor, do you want to add anything on your own to what I have asked you?

A I could say, perhaps, that it is difficult for me to hold down my excitement and the disgust that comes up within me, every time this subject is touched upon, because Zyklon is an insecticide and nothing else, and I am convinced, as I related here, no normal thinking human being could have conceived such an idea.

Perhaps I can add something else. As far as I know, I saw Mr. Mann at one time in my life, or perhaps twice, during a meeting of the Verwaltungsausschuss. We had no correspondence either. The other two gentlemen from the Verwaltungsausschuss. Mr. Hoerlein, I believe I saw Mr. Hoerlein only once during a meeting; Mr. Wurster I saw after the capitulation, and I talked to him at that time in Ludwigshafen. I cannot remember that I ever saw him at a meeting.

DR. BERNDT: Very well. I have no further questions to the witness.

THE PRESIDENT: Anything further from any other Defense Counsel?

The Prosecution may cross-examine.

CROSS-EXAMINATION

DR. WALTER HEERD

BY MR. MINSKOFF:

Q.- Dr. Heerd, when did you first learn that gas chambers were being supplied to concentration camps?

A.- That may have been in 1940. At any rate, still during the time that I was still in Frankfurt. It may have been before that, however.

Q.- Do you recall which concentration camps they were?

A.- I remember distinctly Buchenwald and Sachsenhausen, although as I have already said, I was myself in Buchenwald in order to pick out the locality; whether the gas chamber was shipped, I do not know. As far as Sachsenhausen is concerned, I know of it.

Q.- Now these gas chambers were chambers for the use of Zyklon B gas, were they not?

A.- Yes.

Q.- So that when you learned that gas chambers are being sent to any concentration camp you know automatically, do you not, that Zyklon B gas will also be sent to the concentration camp for use in those gas chambers; isn't that so?

A.- Yes, quite.

DR. BERNDT: There is a confusion here. There is talk about a gas chamber, a Gaskammern; these are these atrocious chambers in which these gassings unfortunately occurred. The contamination chamber, however is Entwesungskammern. That is the contamination chamber that was furnished by Degesch.

THE PRESIDENT: Counsel, we have heard the testimony of this witness, and we understand what he is talking about. He already went into some detail in telling about these chambers, and the construction of them for decontaminating clothing and furniture and things of that sort.

DR. BERNDT: Then I see it is quite clear.

BY MR. MINSKOFF:

Q.- Dr. Heerd, did you know that as early as 1941, the concentration camp Auschwitz ordered 500 kilos of Zyklon B from your firm Heli at a time when there was not one single gas chamber for disinfecting clothing built in all of Auschwitz?

A.- No, I did not know the name of Auschwitz until after the capitulation.

Q.- You were general manager of Heli, were you not?

A.- I was the business manager, yes.

Q.- You also had an ownership in Heli?

A.- Yes. But I remained business manager only until the 15th of July, 1941.

Q.- And although you had been General Manager of Heli and a part owner you were not informed of any of the activities of the Heli after you left in June, '41; is that right?

A.- Nothing at all. I was excommunicated.

Q.- That's right. You were told to leave Frankfurt and you did so?

A.- Yes, quite.

Q.- And did not return until after the war was over?

A.- Until the end of June, 1945 - June or July.

Q.- So that you had no way of knowing what happened all during the war in Frankfurt with both Degesch and Heli, its subsidiary; isn't that right?

A.- Yes, that is right. I couldn't know anything.

Q.- Now one further question on this matter. As a member of the Administrative Committee of Degesch, whom did you represent?

A.- I beg your pardon, whom I represented; is that the question?

Q.- Yes, who appointed you as a member of the Administrative Committee; whose interest did you protect?

A.- Oh, I see. The Degussa, the Deutsch Gold und Silberscheideanstalt.

Q.- Thank you. Dr. Heerd, in your direct examination, you described Zyklon B gas. Now if I recall correctly, the definition was not altogether complete. In your description you mention that it was practically entirely Prussic acid with a very small percentage of stabilizing element, all of which was absorbed into a base material contained in the Zyklon B containers. Now, Doctor Heerd, did you deliberately omit the fact that Zyklon B contains this warning agent as a necessary part of Zyklon B?

A.- No. Undoubtedly it did contain a warning agent, but if I remember correctly, the question was about a certain substance that Farben produced in Uerdingen and that was the stabilizer.

Q.- I am speaking now of Zyklon B gas. Now is it not true that Zyklon B gas, has as one of its essential elements, in order to make it Zyklon B gas, a certain warning agent without which it is practically pure Prussic acid?

A.- No.

Q.- I am not quite sure I understand your answer. You say this Zyklon B gas does not necessarily contain a warning agent?

A.- Not necessarily; that's right. That is to say, it was a prescribed regulation for transports; for transport purposes we had to have the warning agent, as far as I know.

Q.- That about the patent on Zyklon B; the patent on Zyklon B, didn't that include a warning agent?

A.- Yes, as far as I remember, yes.

Q.- And if it did not have a warning agent, and it was plain Prussic Acid, anybody could use the same Prussic Acid without the patent; isn't that right?

A.- I cannot answer that at the moment. That is a question dealing with patent law, about which I am not quite clear at the moment.

Q.- This is your patent we are talking about, Dr. Heerd, - the invention

you made. Didn't that patent include the Reizstoff, - the warning agent?

THE PRESIDENT: He answered that question; he said it did.

BY MR. HINSKOFF:

Q.- Now what is the function of this warning agent?

A.- The function of this warning agent is to give an additional warning; that is to say, the technicians who carry out the gassings, and also third parties, are to be warned that remnants of dangerous gases are still about.

Q.- Dr. Heerd, in all of your experience with Zyklon B gas, did you ever have occasion to use 500 gram cans of Zyklon B without the warning agent?

A.- I believe that we ourselves did not use it, but I know that it was shipped, - that is delivered for gassing materials that were sensitive to odor; for instance, tobacco. I remember that such a shipment was sent to Bulgaria at one time.

Q.- Do you know about when that was; just approximately?

A.- No, I cannot even say that approximately.

Q.- Do you know whether they were using 500 gram tins of Zyklon B for that purpose without a warning agent?

A.- I do not know that either.

Q.- Now as an expert on Zyklon B, Dr. Heerd, would you ever use Zyklon B without a warning agent, to disinfect barracks in a highly congested barracks area, containing say tens of thousands of men, women and children?

A.- As an answer to the question I could imagine for instance, an event that actually happened during the war, where no warning agent was available.

Q.- Dr. Heerd, we now have other evidence as to what happened during the war. I want to know, would you, as an expert, disinfect barracks, not a gas chamber, but barracks, with Zyklon B, without a warning agent, in a congested area?

THE PRESIDENT: He answered your question. He said, "Yes."

THE WITNESS: Where there are very many barracks?

MR. MINSKOFF: Yes.

THE WITNESS: Yes, of course.

BY MR. MINSKOFF:

Q.- When was the first time, Dr. Heerd, that you heard that Zyklon B was produced without a warning agent?

A.- I can only say that I do not know that, and I already answered your question that I did not know the time when we furnished the Zyklon to Bulgaria, but I would say it was long before the war.

Q.- Did you tell the German authorities in Frankfurt that the first time you ever heard that Zyklon B was produced without a warning agent was in August, 1945?

A.- I beg your pardon; I did not quite understand your question.

Q.- I will repeat it. Do you recall telling the German authorities in Frankfurt that the first time you ever heard that Zyklon B was produced without a warning agent was in August, 1945?

A.- Quite frankly, I cannot recollect that at the moment. It may have been that I had forgotten at the time, but I do not know what German authority that was supposed to have been. It may have been that I had forgotten, and I did hear it during the recent days, that these shipments went to Bulgaria, quite a long time ago.

THE PRESIDENT: Counsel, it is a pretty fundamental rule that if the purpose of your question is to lay the groundwork for impeachment, that the witness is entitled to know the person, place and the time when he is supposed to have made the statement, so if you intend to pursue it, you had better be a little more specific.

BY MR. MINSKOFF:

Q.- Dr. Heerd, do you recall on the 16th of March, 1948, before the Prosecutor Erbs, E-r-b-s, in Frankfurt, making a statement concerning Dogesch

3 Apr-M-FL-3-6-Stewart (Int. Katz)


Court No. VI, Case VI

Zyklon B?

A.- Yes.

Q.- Do you recall at that time telling him that you never heard that Zyklon B was ever produced without a warning agent until August of '45?

A.- Yes, now that you tell me, it is possible, but I just said that the information that Zyklon was shipped without a warning agent, that that information I learned about only during the recent days.



Q. Dr. Heerdt, in addition to the warning of human beings who are using the Zyklon-B of its highly toxic and dangerous nature, didn't the warning agent serve a second purpose?

A. No.

Q. Well, isn't true, Dr. Heerdt, that the warning agent was an irritant which had the additional function of stimulating the breathing of insects?

A. That may be and there were certain experiments carried on that made this assumption probable.

Q. Well, do you recall, Dr. Heerdt, in the pamphlet issued by Degesch describing your product, Zyklon-B they say the irritant has, besides its function as a warning agent, the advantage that it stimulates the breathing of insects? Do you recall that?

A. Yes, I do.

Q. Now, Dr. Heert, if the Zyklon-B sent to a particular place — Well, I withdraw that. If Zyklon-B were not intended to be used for the killing of insects, but was intended for the use of killing human beings, that would eliminate one of the purposes of the warning agent, wouldn't it?

A. I beg your pardon. I didn't quite understand your question.

JUDGE MORRIS: Repeat it.

Q. Now, if Zyklon-B were not intended to be used for the killing of insects, but was intended on a particular occasion to be used for killing of human beings, that would eliminate, would it not, one of the reasons for a warning agent?

A. The warning agent is not necessary for killing insects. It helps the purpose. It assists.

Q. Dr. Heert, you testified that the fact there was a rise in the sales of Zyklon-B during the war did not astonish you and would not have made you suspicious, because you expected it to rise during the war. Now, Dr. Heerdt, did you know that in 1941 when the German armies were

deep in Poland and with the threat of typhus at its height that Zyklon-B sales dropped considerably below the sales of 1940?

A. Yes, I do. I was informed from the business reports.

Q. And did you know that only with the introduction of the extermination program in 1942, did the sales of Zyklon-B reach its all-time high?

A. No, I didn't know anything about an extermination program.

Q. Did you know that only in 1942 the Zyklon-B sales jumped to its all-time high, all-time, that is, up until to 1942 -- it went higher after that?

A. From the business reports I was able to see the fluctuations, but they were not conspicuous or remarkable in any way. Production difficulties might have arisen.

MR. MEISKOPF: Thank you.

BY MR. SPRECHER:

Q. Dr. Hoerdt, since I had before the end of the war some interests in opposition circles in Germany, and Austria, I would like to ask you a few questions about that matter. What was the name of your group of opposition; under whose leadership was it?

THE PRESIDENT: What part of your cross-examination is this, Mr. Sprecher?

MR. SPRECHER: The witness testified that he had some particular knowledge because of his connections to certain opposition, that he knew because he was with certain opposition groups. It is preliminary, Mr. President, please.

THE PRESIDENT: Very well. Go ahead.

A. I didn't belong to any group.

Q. Well, what do you mean by an opposition circle, then, you used that in your testimony.

A. I didn't use the expression, "group".

Q. You said you were in touch with opposition circles, Kreise.
What do you mean by Kreise?

A. My acquaintances, my circle of friends.

Q. Oh, how did you know anything about what was happening to
the Bibelforscher, the Jehovahs Witnesses? Did you see any more Bibel
forscher after 1941 in Austria?

A. No.

Q. Did any of these circles of -- did any of these people in
your circle of friends talk about the fate of the Bibelforscher, or
did they not talk about that at all?

A. I believe that when I was still in Frankfurt that was discussed.

Q. Was it generally known that the Bibelforscher were being re-
moved from Germany and Austria?

A. It was known to me that they had difficulties.

Q. Did you see any more of them after 1940-41?

A. I had no social contact with Bibelforscher, I heard only of
them. At least I don't know of anyone who was a Bibelforscher.

Q. How you testified that the resettlement of the Jews to the
Eastern Territories was taking place under certain undignified circum-
stances. How was this resettlement taking place, so far as your know?
How did you learn about it, who was in charge of it and --

A. I don't know any details. They were only rumors, but they
seemed plausible to me.

Q. Well, since you didn't -- did you see very many common Jews
in Austria after 1941, any full Jews?

A. No, no, on the basis of my bitter experiences, I had had, I
kept aloof completely from Jews and I didn't write to any of them either.

Q. Well, that would have been rather difficult. Now, who was in
charge of these concentration camps that you personally visited, such
as Mauthausen and Buchenwald?

A. No, I don't know that.

Q. Well, when you went there, whom did you see at the gate? Did you see Wehrmacht soldiers, or Prussian Military guards, or did you see SS men?

A. SS men.

Q. You know that the SS were in charge of the camps, didn't you?

A. Of course.

Q. When did you visit Hauthausen and Buchenwald?

A. I can't say it exactly, but it was probably during 1940 or 1941.

Q. Just one or two more questions. Now, in this circle of friends did you talk about who was in charge of the concentration camps, or was that a secret in these circles that you spoke to?

A. About this we never talked.

Q. You never talked about who was in charge of the concentration camps?

A. Of course, we talked about who was connected with them, but when you ask me who was in charge of them I am thinking of one particular person.

Q. I am sorry. I am speaking about what organization was in charge. You know the SS were in charge?

A. Certainly.

Q. "Selbstverstaendlich", that means "self understandable"?
What does that mean?

THE PRESIDENT: You can hardly ask the witness to act as a translator.

Q. Well, if you want that I say it in English, yes, certainly.

MR. SPEECHER: Thank you. I am quite as surprised as you are, Mr. President.

Q. (By Mr. Sprecher) Now you testified that you referred to the

concentration camps somewhat as you referred to Holl. Did anybody in the circles you talked to ever deny that was a proper application?

T THE PRESIDENT: Mr. Sprecher, I don't think that would be very helpful.

MR. SPRECHER: If that point is clear, I won't ask it. Thank you. No further questions.

THE PRESIDENT: Anything further, Dr. Berndt?

REDIRECT EXAMINATION

BY DR. BERNDT (ATTORNEY FOR THE DEFENDANT LAMM):

Q. Dr. Heerdts, Zyklon, without warning agents, has been discussed here. We all know towards the end of the war, that materials for this were not available to produce this irritant, or warning agent, would you, nevertheless, have brought Zyklon on the market without a warning agent?

A. Yes.

Q. Why would you have done this?

A. In order to be able to keep working.

Q. What was the main purpose, and I am sorry I have to ask this again, what was the main purpose for sending Zyklon to the camps, to the soldiers barracks, and to the hospitals?

A. It was to decontaminate infections, and in French, "Desinfection". That is the only purpose. It was for combatting lice and bed bugs and this vermin, of course, increased during the war enormously, as it did during the First World War, that I went through also.

Q. And what was caused by this vermin, what sickness?

A. Typhus, by lice.

Q. Then Zyklon served mainly for combatting typhus?

A. Yes.

Q. The main consumption of Zyklon, where was the chief consumption of Zyklon?

A. I don't know that.

Q. I do not mean what locality, but I mean for what purposes?

What was done with it?

A. Insects were killed.

THE PRESIDENT: Dr. Berndt, you are travelling the same route a couple of times. Now we have been pretty well over that. I think the witness has made his testimony pretty clear. You shouldn't re-examine him. Limit your questions to anything the prosecution developed that you didn't bring forth in your first examination of the witness.

Q. In conclusions, I only want to ask one more question. During cross-examination you were asked a few hypothetical questions, and for that reason I have to ask you this. It is correct -- no, no, I withdraw that. When did you for the first time ever hear anything at all about the use of Zyklon for the killing of human beings?

A. As I have already said, in June, 1945.

Q. I have no further questions. I beg your pardon. I forgot something. A document that we submitted. Doctor, when you read through the patent then would you please tell me whether in this patent there is a warning agent, or irritant, mentioned?

A. I must admit frankly even if it sounds somewhat peculiar, at the moment, I can't remember.

Q. May I point out to you that in Degesch Book I, Exhibit 2, or 3 contains a copy of the patent and as far as I was able to find out, the warning agent was not mentioned in that patent?

A. No, no, it wasn't mentioned, but now the matter becomes clear to me. Nearly simultaneously two patents were applied for. The other patent referred to the irritant, the addition of the irritant or warning agent to prussic acid and Professor, Fluri, was the inventor of that patent. I believe that I remember now that that this patent was there before my patent. I am almost certain that it did.

3 April-15-11J-3-7-Arminger (Katz)
Court 6, Case 6

DR. BENNETT: I have no further questions.

THE PRESIDENT: Mr. Witness, you are excused from further attendance.

(The witness was excused.)

DR. BERNDT: May I ask for permission, Mr. President, to have the witness, Schlosser, called?

THE PRESIDENT: The Marshal will bring in the witness.

HERMANN SCHLOSSER, a witness, took the stand and testified as follows:

THE PRESIDENT: Mr. Witness, will you remain standing to be sworn. Raise your right hand, say, "I" and state your name for the record.

THE WITNESS: I, Hermann Schlosser --

THE PRESIDENT: And now repeat the oath:

-- swear by God the Almighty and the Omniscient that I will speak the pure truth and that I will add nothing.

(The witness repeated the oath*)

THE PRESIDENT: Thank you. You may be seated.

DIRECT EXAMINATION

BY DR. BERNDT (Attorney for the defendant Mann):

Q Mr. Witness, please keep your earphones on. May I ask you again to give me your first name?

A Hermann.

Q How old are you?

A 58½ years.

Q Where do you live.

A Near Hofeich near Gelnhausen.

Q You were in the Vorstand of Degussa previously.

A Yes.

THE PRESIDENT: Mr. Witness, may I call your attention to the fact that your testimony has to be translated into English before we understand what you are answering and consequently it is necessary that you pause after the question is asked so that the interpreter can translate the question and we understand the question before you start answering. Otherwise, we get a cross of English and German, and it makes it very confusing, so go slowly and wait until the interpreter finishes.

He sits over there at your right. You can see him and, wait until he has finished his interpretation. Then you can answer. Thank you.

Q You were Chairman of the Degussa?

A Yes.

Q Therefore, you are probably to say how the general relations between Farben and the Degussa were.

A Both firms were completely independent. They had nothing to do with each other. There were no financial interrelations or links, but there were old private links that existed. There were arrangements and agreements and that dated back to the time before the merger of Farben.

Q Farben and Degussa participated in Degesch. Would you please tell me what brought this collaboration about and how it was?

A Towards the end of the 1920's, Farben Ludwigshafen worked on prussic acid, produced high grade potassium cyanide, which contrary to Zyklon, could be applied in the spraying of trees and protection of plants. At the same time, the Degesch in Egypt found an American process for the same product. In agreement with Farben, the Degesch acquired a license on the American process and a collaboration was brought about according to which Farben Ludwigshafen produced this substance and Degesch took over the sales of the substance. In this manner a participation of Farben was brought about in Degesch.

Q In 1930, Mr. Mann became the business manager of Degesch. What brought this about?

A Mr. Mann was singled out from Farben as the Chief of the Department, Plant Protection and Insecticides. I myself was a regular Vorstand member of Degussa at the time and for that reason I had to remain Business Manager of Degesch, because I had to concern myself with Degesch foreign relations. The question that arose in that connection we had to settle on the occasion of my other trips abroad; since Farben was participating with 50% and therefore could demand just any equal representation, Mr. Mann became also the Business Manager.

Q In that capacity, as a business manager, did he practically carry out any activity in Degesch?

A No, none.

Q You and Mr. Mann resigned from your office as business manager at a later date and both of you entered the Verwaltungsausschuss?

A Yes.

Q What was the reason?

A In November, 1939, I became Chairman of the Vorstand of Degussa. For that reason I had to liberate myself from all departmental burdens, but above all it could no longer be permissible that the Vorstand of the entire Degussa concern was simultaneously the business manager of a small and insignificant G.m.b.H., and the only reason why I resigned was because of the outbreak of the war, and Mr. Mann did the same thing. Both of us entered the Verwaltungsausschuss.

Q Why did Mr. Mann become the chairman of this committee?

A That has the following reason: There was another firm in which the Degesch and Farben participated. That was Chemiowerk Homberg, a pharmaceutical firm, which was entirely the field of work of Mr. Mann. In that firm, I was the chairman of the Aufsichtsrat and I was to remain in that position. In compensation for this, Mr. Mann became the chairman of the Verwaltungsausschuss of Degesch.

Q What tasks did this Verwaltungsausschuss have?

A The tasks are laid down in the agreement that can be divided into two subjects. First the Verwaltungsausschuss exercised the rights of the share holders, but the main task was that it was the coordinating body. In the meantime Degesch had three partners and these interests were not always along the same line and difficulties and differences of opinion were to be settled in an agreeable manner in the annual meeting in the Verwaltungsausschuss and that was what happened.

Q Did the Verwaltungsausschuss have an insight into the individual business transactions of Degesch.

A No.

Q In the case of important business transactions was the Verwaltungsausschuss called in in any form?

A No, the Verwaltungsausschuss was not called in. I only remember the acquisition of a house; that was an important business transaction, a house for Degesch where the individual partners were asked for their approval.

Q Dr. Peters later became business manager of Degesch. Can you tell me upon whose suggestion Mr. Peters became the business manager of Degesch?

A This happened for the reason that Peters was the deputy business manager there at that time Mr. Stiege was the regular business manager. He was drafted and thus it was automatic that Dr. Peters had to take over that person's function, all the more because Dr. Peter was justly in the repute of being a foremost international expert and more than that he could move back to that field of activity and had the confidence and trust of all the participants.

Q Did the three members of the Verwaltungsausschuss who represented Farben, that is, Mr. Hoerlein, Mann, and Wurster, did these three gentlemen know the relations between Degesch on the one hand and Testa and Heli on the other hand?

A I can't say that from my own knowledge, but I do not assume that these subparticipations of Degesch were known to these gentlemen.

Q Degesch made a business report every year?

A Yes.

Q This was submitted to the members of the Verwaltungsausschuss.

A Yes.

Q Apart from this information, were the Verwaltungsausschuss members informed about any other business transaction of Degesch?

A I don't remember that any more, but I believe not. I do not believe that apart from that case, other documents were sent to members of the Verwaltungsausschuss.

Q Mr. Schlosser, before the end of the war, did you know anything about mass gassings of human beings in concentration camps or in any other places?

A No.

Q Did you hear a rumor about these mass gassings in concentration camps?

A No.

Q Did you learn in any other way anything about mass exterminations of concentration camp inmates and Jews in particular?

A No.

Q During the years following 1942, the sale of Zyklon increased very considerably. Did you get any suspicion in that connection?

A No, none at all.

Q How did you explain this increase in the sale of Zyklon?

A It wasn't only the sale of Zyklon that increased, but the increase of Zyklon was less than increase in the sale of the other drugs.

Q You say "the other drugs." What other drugs do you mean?

A. I was just going to come to that. Not only the Degesch drugs but also other substances that could only be called auxiliary drugs, such as sulphur carbon, etc. -- all this was not sufficient to cover the demand, that was caused by the Russian campaign. The tremendous numbers of people that all streamed to Russia and who then were on the retreat--were suffering from typhus and typhoid, etc., and they made necessary very extensive preventive measures, and the sale is quite easily explained from this development.

Q. Did you know that zyklon was furnished to the SS and to concentration camps?

A. I can't remember that this was pointed out to me particularly, but if it had been done, I wouldn't have been astonished about that either, because the SS, of course, had the same justified demand as the Wehrmacht, and the concentration camps had the same justified demand for they house many people whose hygiene has to be taken care of.

Q. Mr. Schlosser, did you at any time learn that zyklon was furnished without warning agent or irritant?

A. No.

Q. Did you know anything about shipments of zyklon to an SS Obersturmfuehrer Gerstein?

A. No.

Q. In the auditors' report of the General Auditing Company--Allgemeine Pruefungsgesellschaft--for the business year 1943, it is stated that this Gerstein had another demand of 5,000 Reichsmarks. That he had another 5,5000 Reichsmarks that should have been pointed out to you?

A. I didn't see that report, but even if I did, that would not have called my attention to that fact in any way.

Q. Mr. President, I have no further questions to the witness.

THE PRESIDENT: Anything further from the defense? The Prosecution may cross examine the witness.

CROSS EXAMINATION

BY MR. MINSKOFF:

Q. Mr. Schlosser, when did you join the Nazi Party?

A. I didn't understand. On, the Nazi Party? At the end of 1939, I was admitted.

Q. When did you first apply for membership?

A. Yes, in 1933.

Q. Thank you. Did you make contributions on behalf of your firm to the SS?

A. No, not for the SS.

Q. In 1945, did you order the destruction of the Degussa files?

A. No.

Q. Who in Degussa ordered the destruction of the Degussa files?

THE PRESIDENT: You are getting outside of the field of cross examination now. The question need not be answered.

BY MR. MINSKOFF:

Q. Mr. Schlosser, precisely what were your duties, functions, and responsibilities with respect to Degesch, during the war, from '41 to '45?

A. From 1941 to 1945, I had the same position as any other member of the Verwaltungsausschuss, but since I was not only the chairman of the Vorstand of the Degussa but from '42 on, I was also the Chief of the Economic Group Chemical Industry, I had almost no time to concern myself about the Degesch.

Q. Now, in Degesch, you represented the Degussa firm, is that right?

A. Within Degesch?

Q. You were in Degesch as a representative of the Degussa firm? Of Degussa?

A. I was one of the representatives of the Degussa in the Verwaltungsausschuss.

Q. As a representative of one of the major partners in Degesch, what rights and powers over Degesch did you have?

A. I had no privileges or special rights as compared with the other members of the Verwaltungsausschuss.

Q. Did you personally have any authority with respect to Degesch which was not possessed by the Farben members of Degesch?

A. Did I have—?

Q. Did you personally have any authority with respect to Degesch which was not possessed by the Farben members of Degesch?

A. No, I had exactly the same rights and duties as all other members of the Verwaltungsausschuss.

Q. Now did Degussa, as a partner in Degesch, have any authority with respect to Degesch which Farben, as a partner, did not have?

A. The Degussa was much closer to Degesch than Farben was because the Degesch had formerly been owned 100 per cent by Degussa and was still housed in the close vicinity; that is to say, they were much closer together geographically.

Q. Now I am referring to the testimony which said that Degussa was the managing partner of Degesch. Now I am asking you, did Degussa, as a partner, have any rights or any authority which Farben, as a partner, did not have?

A. The Degussa had no rights or powers that the other partners did not possess.

Q. Who fixed the salary of the business manager, Peters?

A. I can't say that any more in detail. The personnel questions of Degesch were handled together by the Degussa personnel department.

Q. Who would have authority to remove Peters?

A. To remove Peters?

Q. That is right.

A. That case never came up. I assume that it would have been done by the shareholders or the Verwaltungsausschuss; I don't know.

Q. Now you were with Degesch from its very foundation to the end of the war. Now I am asking you a very simple question: who had the authority to remove the general manager Peters?

A. I must reiterate; that case never came up; it never happened, I am not a legal expert.

Q. Who would have the authority?

A. I don't know that; probably the Verwaltungsausschuss.

Q. Who would have the authority to dictate policies for Degesch?

A. What do you mean by business policy methods? What do you understand by those words?

Q. Degesch is an operating firm, Mr. Schlosser. I am asking the question who in this firm had the top authority to make policies for the method of operation of that firm?

A. The business management of Degesch was very extensively independent in its actions and methods.

Q. If you personally did not agree with what Mr. Peters was doing, what action could you take to stop him from doing it?

A. I, myself, alone could not have done anything?

Q. What could you do together with other members of the Degussa?

A. Yes, yes. I could have gotten together with other members of the Degesch.

Q. I am speaking of other members of Degussa--the partners in Degesch.

A. We would never have been able to take any important steps without first getting in touch with our other partners.

Q. That is right. Now the total of partners--Farben and Degussa and Goldschmidt--among the three they had the sum total of all the powers of Degesch, did they not?

THE PRESIDENT: That is a legal argument, I think, counsel. As for all the partners of a partnership, their powers and duties is a question of law.

MR. MINSKOFF: Oh, except that from the testimony, may it please the Court, so far, I gain a very definite impression that nobody but Peters had any authority in Degesch at all, and I'd like to clarify, if I may.

THE PRESIDENT: Ask him about Peters then. You might ask him about where he got his orders, if you wish to, but powers of a partnership when you have them all represented is pretty conclusively a question of law.

MR. MINSKOFF: May I put it another way?

THE PRESIDENT: Very well.

BY MR. MINSKOFF:

Q. The same persons who were on the administrative committee of Degesch were the identical persons who represented the interests of the three partners, were they not?

A. Yes.

Q. So that in fact those persons, whether you call them administrative committee or whether you call them the partners or representatives of the partners, were still always the same persons?

A. Yes.

Q. So that when there was a meeting of the partners on behalf of Degussa, you would turn up with the other representatives and Mr. Mann, on behalf of Farbion, isn't that true?

A. I didn't quite understand that.

Q. Let me be specific. The question was raised earlier as to whether you, as a member of the Verwaltungsrat, had an insight into the business of Degesch, and if I recall the answer, it was "No." Now without being technical as to Verwaltungsrat--or administrative committee--these same persons were both the partners and the administrative committee, so that in one function or the other they could, could they not, get a complete insight in to Degesch, isn't that so?

A. The question as to whether the Verwaltungsausschuss and the shareholders and partners were the same persons I answered in the affirmative. About the privileges and rights of the Verwaltungsausschuss and about the rights of the partners, I don't have to say anything they are generally know. I have already made statements about the Verwaltungsausschuss.

THE PRESIDENT: Counsel, just a moment. This witness was on the stand in chief for 20 minutes. You have used 10 minutes in cross examination. Keep that in mind, please.

BY MR. MINSKOFF:

Q. Yes, sir. Mr. Schlosser, did you know that in 1941, before there were any gas chambers for disinfection of clothing in the concentration camp Auschwitz, that the concentration camp asked for and received large quantities of zyklon-B gas?

A. I should be very grateful if that could be repeated. I didn't understand everything you said.

Q. Did you know that in 1941 before there were any gas chambers for disinfection of clothing in the concentration camp Auschwitz, that the concentration camp asked for and received large quantities of zyklon-B gas?

A. I did not.

Q. Thank you. Would it refresh your recollection if I told you that in November and December --

THE PRESIDENT: Counsel, we can save time. I do not recall that this witness testified anything about the distribution of zyklon-B gas. He talked about the business arrangement of these firms. That is your field of cross examination.

MR. MINSKOFF: He also testified, if I remember correctly, that he knew nothing whatever of the actual zyklon deliveries of warning agent, and he got into detail to show his lack of knowledge as to what was going on. May I refresh his recollection with documents?

THE PRESIDENT: Very well. Get to the point. We feel that this is

quite far enough, but we will give you an opportunity. If you have something important, we will listen to it.

Q. Do you recall a correspondence in November and December of 1941 between Heli and Degesch --

A. No, no.

Q. May I finish my question? -- relating to the fact that they were asking for zyklon-B gas, and there were no gas chambers there yet?

A. No.

Q. Do you recall any controversy the following year between Heli and Testa as to which firm should get credit for the supplying of the gas chambers in Auschwitz?

THE PRESIDENT: Do you understand the question, Mr. Witness?

THE WITNESS: Yes.

THE PRESIDENT: Will you answer, please.

THE WITNESS: No, I can not remember that.

BY MR. MINSKOFF:

Q. I show you NI-14163 which is offered as Prosecution Exhibit 2084. It is a letter from Keli to Degesch, dated 26 November '41. Please show it to him, please.

DR. BERNOT: Can we see that letter, please?

BY MR. MINSKOFF:

Q. And to save time I show you also NI-14164 which is offered as Prosecution Exhibit 2085 where the Heli firm quotes the answer they received from the gas chamber firm, and ask you whether that refreshes your recollection as to whether in '41 concentration camp Auschwitz asked for zyklon-B gas before the gas chambers were even installed?

A. No, I have no knowledge about these documents at all.

Q. Dr. Schlosser, you are presently a prisoner in Frankfurt?

A. Yes.

Q. In connection with the delivery of Zyklon-B to Auschwitz?

A. Yes.

Q. Thank you.

THE PRESIDENT: Anything further, Dr. Berndt? Were you through, Mr. Prosecutor?

MR. MENSKOFF: Yes, thank you.

REDIRECT EXAMINATION

BY DR. BERNDT:

Q. Mr. Schlosser, have you looked at these letters.

A. Yes.

Q. Would you please tell me from whom this letter is sent and to whom?

THE PRESIDENT: Dr. Berndt, that would speak for itself, would it not?

DR. BERNDT: Yes; but, Mr. President, I would like to say that the letter from Heerdt & Lingler is sent to the firm of Boos in Cologne on the Rhine, and that the letter from Heerdt & Lingler is sent to Degesch, not to the Degussa.

THE PRESIDENT: I know the place of it. There is no use trying to prove what the document shows.

DR. BERNDT: Well then, I have no further questions about that.

THE PRESIDENT: You are excused, Mr. Witness. Just a moment. Did you have some omitted matter, Dr. Berndt? Are you through with the witness.

BY DR. HEINTZELER:

Q. Mr. Witness, I have one brief question which concerns the position of the Verwaltungsausschuss about which the prosecutor has just asked you in great detail. Is it correct that the last meeting of the Verwaltungsausschuss took place in 1940?

A. I don't know exactly whether it was '40 or '41.

Q. Is it correct that subsequent to this meeting of the Verwaltungsausschuss in 1942, a stock holder meeting took place?

A. I can't remember that any more, but it is possible.

Q. Very well. Then I have no further questions.

THE PRESIDENT: Now, counsel, we are about to excuse this witness unless someone has another question. You are excused, Mr. Witness.

MR. MINSKOFF: Just a moment, please. I have no further question but I want in connection with the previous question to offer in evidence for the prosecution MI-15007 which will become Prosecution Exhibit 2086.

THE PRESIDENT: Let Dr. Berndt see it, and just wait a moment, Mr. Witness, there may be some question about it.

MR. MINSKOFF: That is in connection with the question about contributions to the SS.

THE PRESIDENT: Gentlemen, was that all you decided to do? We are about to take our recess, and Dr. Berndt, if this witness is to be recalled, tell the Marshall when we come back; otherwise the witness is excused. The Tribunal will rise.

(. recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. SEIDL: Dr. Seidl for Duerrfeld.

Your Honor, I ask that the defendant, Dr. Duerrfeld, be excused for next Monday in order to afford him the possibility to prepare his defense.

THE PRESIDENT: The request is granted.

DR. BERNDT: I have only one more question to the witness, your Honor.

REDIRECT EXAMINATION (Continued)

BY DR. BERNDT:

Q. Before the recess I intentionally did not make any objections during the many questions you were confronted with because I saw that they came to a dead end, anyhow. But from a legal point of view in factual matters I want to ask you one question. Then Degesch was to 100 percent owned by the Scheideanstalt. The Degesch were in the establishment of the Scheideanstalt. The accounting was taken care of by the Scheideanstalt also. Now, it is true that the Scheideanstalt had no legal obligations beyond what the other shareholders had, but didn't we in factual evidence have more --

MR. MINSKOFF: I object to the form of the question and to testimony of counsel.

THE PRESIDENT: Well, counsel hasn't completed the question but he has gone far enough to show it is a pretty bad question. Can't you simplify that a little, Dr. Berndt, get it direct?

DR. BERNDT: Your Honor, I asked the question and the witness has understood it, and I think the witness is in a position to answer it now.

THE PRESIDENT: Well, frankly I am sorry to say I don't understand it, so it won't do me any good. I believe you had better ask that again and make it simpler.

DR. BERNDT: Well, maybe I can briefly repeat it then. As the Degesch before had been exclusively owned by the Scheideanstalt and as

it had its office rooms in the neighboring house of the Degussa and as the accounting --

THE PRESIDENT: Let him finish the question.

Q. (Continuing) -- was taken care of by your firm, wasn't it then a fact that the Scheideanstalt as a partner of the Degesch took a greater interest in the affairs of the Degesch than the two other partners, Farben and Goldschmitt?

THE PRESIDENT: Objection sustained. That is very, very leading and suggestive.

Q. (By Dr. Berndt) Was the actual influence taken by the Scheideanstalt on the Degesch greater than the influence by the two other companies?

A. From the reasons you have given me de facto, yes.

DR. BERNDT: Well, I have no further questions, your Honor.

DR. NELTE: Dr. Nelte for Hoerlein.

The question my colleague Berndt last asked was very relevant.

EXAMINATION

BY DR. NELTE:

Q. You were asked, Witness, concerning the position of the partners of Degesch. However, it did not become apparent from what you wanted to say - at least it didn't become clear to me - how the legal position of the partners as shareholders and how the factual participation was in the business management of the Degesch. I am putting to you now, Witness, a document from the Degesch Volume I. It is Document Degesch 47, and it is a confidential supplement to the minutes concerning the meeting of the Aufsichtsrat of the Degesch on the 10th of March, 1936. In this document you see on Page 3, and I quote, "In view of the psychological and historical significance of the Degesch organization, and the necessity of keeping agreements and contracts that have been concluded, also as the majority the Degesch held in the two other companies in the main contracts where the reason by Dr. Goldschmidt was given--" May I repeat? "In view of the historical and psychological origin the

Degesch organization and the necessity to keep contracts that have been concluded, also in view of the profits which the Degesch has from their majority participation in the two German main representations, the answer of Dr. Goldschmidt is the application that a representative of his firm be permitted to not only look into the contracts involved but also into the financial policies of the two subsidiary companies before the general discussion between the companies took place. This demand was refused by Herr Schlosser for the Scheideanstalt and by the undersigned-- that is Stiege, the business manager of the Degesch, and it was stated that the figures and other documents, of course, would be at all times at the disposal of the partners together, but not at the disposal of the representative of one single partner, and that, apart from that, the Scheideanstalt, as the "business" managing partner i.e. the Degussa, refused all further discussion concerning this matter."

THE PRESIDENT: Now, Dr. Nelte, that is what the book says substantially?

DR. NELTE: Yes, your Honor.

THE PRESIDENT: There is nothing for the witness to say unless you want to ask him something about that. Now, ask him, if you care to, about that.

DR. NELTE: Yes, your Honor. I put that to him, your Honor,

Q. (By Dr. Nelte) Now my question is whether what is said in those minutes concerning the meeting of the Aufsichtsrat is correct?

A. It is correct.

Q. In other words, you confirm that the Scheideanstalt had actually the management of the Degesch?

A. No, I don't confirm that.

Q. But what do you confirm?

A. I do confirm that it was to be seen to that the other two partners interfered as little with the business management of the Degesch as the Scheideanstalt itself. The tendency was to keep the business management of the Degesch as independent as possible. That the influence of

the Scheideanstalt was stronger than that of the other two partners I have already confirmed to Herr Berndt as a de facto situation.

Q. That is all I want to know from you, Witness. That is contained in these minutes?

A. Yes.

Q. The term "managine partner" if you would be kind enough to look at the text again, is in quotes here.

A. Yes, that is right.

Q. And now I would like to put to you something else concerning this same matter and that is an affidavit which Dr. Bernt has in Document Book II of Degesch under Degesch Document 27. You know Dr. Schmitz don't you? He in the I. G. Farben Industrie is the director of the Department F, ("foreign participations")?

A. Schmitz, you mean?

Q. Yes, Schmitz, Josef Schmitz. Now this man, Josef Schmitz, in his affidavit made the following statement, and I am quoting now under "2", and I am putting it to you. "Contrary to the administration of shares in other factories where a close collaboration by current extensive reporting and constant personal discussions of all important matters took place, the administration of the shares in the Degesch confined themselves to the study of monthly turnover reports and annual business reports. Between the Degesch partners, Degussa (Herr Schlosser) and I. G. Farben (Herr Mann) there was an agreement that the Degussa would be in charge of the direct consulting and control of the business management of the Degesch, also for the shares held by the I. G. Farben. Vice Versa, the I. G. Farben Sales Combine Bayer had the control and business management of the chemical works A. G. Homburg, Frankfurt on the Main." Is what Herr Schmitz testifies here correct?

MR. SPRECHER: Mr. President, I think this is a rather borderline, but in view of the fact that this is a defense witness, I have no hesitation in making an objection. I think this is a capital leading question, and I think it is quite a battle of a windmill here to confront

one defense witness with what another defense witness says without asking him for his own knowledge, and then asking him for a conclusion. It is a beautiful way to get around all the rules against argumentation and asking leading questions of the witness. This is not a contemporaneous document. It is a document, an affidavit, which has been gotten after, no doubt, the usual leading questions one asks when one goes to a friendly witness in order to get conclusions, now the witness is merely being asked if he confirms what someone else has recently said to defense counsel by way of affidavit.

THE PRESIDENT: Solely in the interests of time and the exercise of some discretion in the matter, we will permit this witness to say whether or not the part of this affidavit that was read to him by Dr. Nelte conforms with what he understood the facts to be.

What do you say as to that, Mr. Witness, is that recital substantially correct in your judgment?

THE WITNESS: Substantially correct, your Honor, yes.

DR. NELTE: Thank you very much.

THE PRESIDENT: Anything further, Dr. Nelte?

(No response).

THE PRESIDENT: Anything further now from counsel?

(No response).

THE PRESIDENT: Now, gentlemen, this has just almost reached the point of exhausting our endurance. This witness was on the stand barely twenty minutes, and we have now consumed about three-quarters of an hour in cross-examination, which is without all reason, and in redirect examination. From now on counsel had better make doubly sure that your questions are in proper form and to the point or the Tribunal will sustain the objections on its own motion.

Ask your question, Mr. Prosecutor.

BY MRS. MINSKOFF:

Q Mr. Witness, the document shown you by Dr. Nelte, which was read to you at length and you were asked whether you recalled whether it was accurate or not, with respect to that document may I ask just one question. Was the controversy at the time merely a controversy between the 15 per cent shareholders against the combined other partners holding 85 per cent?

A I see, yes, that is correct.

THE PRESIDENT: Now, the Tribunal on its own initiative and own responsibility excused this witness from further interrogation. Call your next witness, Dr. Berndt.

DR. BERNDT: Your Honor, I would like to call as my next witness, Dr. Peters.

THE PRESIDENT: The Marshal will please bring in the witness Dr. Peters.

DR. GERHARD PETERS, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q The witness please remain standing, raise his right hand, say I, and state his name for the record.

A I, Dr. Gerhard Peters.

Q Swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

BY DR. BERNDT:

Q Doctor, will you please give your first name?

A Gerhard.

Q What is your age?

A I am 48.

Q Where is your residence?

A Friedberg in Hesse.

Q How long did you work in the Degesch?

A I worked in the Degesch since 1922.

Q What was your job there?

A I joined first as a plant student during the first trial production of zyklon. Then I was in charge of the first experiments in the Dessauer Werke for the extension of this production at the end of 1923 and from 1924 to 1928 I was director of the zyklon production with the Dessauer Werke. In 1928 I was recalled to Frankfurt to the Degesch and there I took over the management of the laboratory and as the following years went by, I received commercial powers, "Prokura", deputy business management, and became eventually business manager myself in the war.

Q Does one have to meet special requirements in order to carry out decontaminations with cyanic acid.

A You have to have a State license in Germany for that and this State license depends on proof to be furnished that one has sufficient technical and practical experience and schooling. It must also be proved that the person is sufficiently reliable; that is, absence of a police record, etc.

Q Weren't you also chief of a working committee for the combatting epidemics?

A Since May 1941 until the end of the war I was manager of the working committee in the combatting of vermin and prevention of epidemics.

Q What were the relations between you and Herr Mann in his capacity as Chairman of the Verwaltungsausschuss?

A There were no connections between us in practice. I only saw him on the occasion of the very few meetings of the partners of the Verwaltungsausschuss in Frankfurt which I attended, and once I went to see him at the end of the war at Leverkusen.

Q What was the reason for this visit?

A It was my desire to extend the field of work of the Degesch which up to then had been confined to gasses only, to the modern contact insecticides which were produced at Leverkusen and I wanted to get Herr Mann's approval for that.

Q Did Herr Mann give you the approval?

A No.

Q Did you have special connections with the two other gentlemen of the I. G. who were members of the Verwaltungsausschuss, namely Professor Hoerlein.

A I don't know, Professor Hoerlein.

Q What about Wurster?

A I discussed the Ludwigshafen production in person with him (Calcit).

Q Dr. Peters, when did you first hear that human beings were exterminated in masses?

A In April 1945, over the radio.

Q Before that did you ever hear anything about the possibility that human beings were exterminated on a more reduced scale?

A The concept of extermination came to my knowledge only towards the end of 1945 for the first time.

Q When did you hear for the first time about the gassing of people?

A That was in connection with instructions given to me by Herr Gerstein of the SS.

Q Well, will you describe this instruction to me once, when were you instructed in this way?

A It was the summer or autumn of 1943. I don't know exactly when. I have to say also that I made the acquaintance of Herr Gerstein for the first time in January 1943 during a meeting of the working committee concerning cyanic acid. He had been introduced to me by Professor Mrugowsky, the director of the Health Institute of the Waffen SS, and Professor Mrugowsky had told me that he was the man

who had been empowered by the SS leadership for all decontamination and especially for all question of prussic acid and he told me that matters which had been dealt with by Mrugowsky up to that point would now be dealt with by Herr Gerstein. During a visit which Mrugowsky paid me in the second half of 1943 he told me that Herr Gerstein wanted to talk to me. I hadn't seen him again since. Gerstein received me with the information that he wanted some technical information from me. He told me that he had to make me promise that I would keep strictly quiet on the matter because it was a top secret matter. I answered that I knew such obligations already from other matters but I was quite sure I could keep the matter secret. He stressed the obligation for secrecy in this particular case, even stronger, and told me that the death penalty in this particular might be applied if I would not comply with the obligation for secrecy. I countered that that was nothing new to me either; I thought of similar orders given to me by the armed forces in this respect. Gerstein gave me the solemn obligation to keep the matter secret and told me that in this particular case it wasn't a question of combatting animals or vermin or insects but it was a matter of applying prussic acid to human beings. I was not surprised at first because I thought he was working on the same matters which were drawn to me already from the armed forces, aims and purposes for which I had from the very beginning of the war carried out experiments, that is, in connection with the use of prussic acid as chemical warfare agent. Therefore, I immediately answered that probably I was acquainted with the problem and that I advised him to use the preliminary work which had been done and which was deposited with the armed forces in order to prevent that double work be done. Gerstein, thereupon, wanted to know immediately what was involved and after some wrangling concerning my obligation to keep quiet about the matter, he dissipated my misgivings by telling me that his top secret matter originated directly with Himmler and indirectly with the Fuehrer, and that I was

under obligation to give that information to him. He asked me then to report to him what was the purpose of the work for the armed forces and I told him in a few brief words the stabilization experiments and the intentions of the armed forces to produce in a large volume pure hydrocyanic acid and to fill it into glass ampules and he wanted information concerning the production firms, etc. He was particularly interested in the possibility of stocking pure hydrocyanic acid. Only after he had this information, he puzzled me with the information that his top secret matter had quite a different content. He said that on the order of the Reichfuehrer Himmler and, as he said indirectly on the order of Hitler, for quite some time, criminals who had been sentenced to death and in particular cases also insane people or people who were mentally or physically incurable, were killed by hydrocyanic acid.

He said that before other gasses had been tried out but had not proved applicable, and he told me also that hydrochloric acid in the form presently applied was not satisfactory. He said that the zyklon which was customary in commerce was being used and he, as the expert of the SS questions of hydrocyanic acid, had unfortunately been charged with this operation which was not at all agreeable to him either. Now he was under the impression, he said, that zyklon, on account of the fact that it contained irritating material caused unnecessary torture and that he wanted to use the pure hydrocyanic acid. I told him that no experience with regard to packing and filling of pure hydrocyanic acid were available in any of our plants and that I could not imagine either that the omission of the irritants would cause any change. Gerstein noted my passivity and was very angry about it, and he warned me that I shouldn't give the impression of resisting a measure which was desired by the Higher SS Leadership by sabotage. However, I was able to convince him afterwards that his idea of pure hydrocyanic acid was not possible to be realized. However, he insisted on receiving zyklon without irritants, after he had been told by me that this substance was, after all, stable enough and could be stocked. As to his allegedly personal observation according to which irritants were causing particular suffering, I couldn't say anything myself and I couldn't have opposed him by anything. I can't even do that today in spite of the fact that again and again I told him that I couldn't see any particular disturbing effect of the irritant because I tried to keep out of the matter. He underlined, incidentally, when he saw my hesitancy and misgivings about the affair that from the humane viewpoint these were only individual cases which could easily be justified and for the rest it was a matter which was already decided, namely, that hydrocyanic acid would be used and that neither he nor I could change anything. Therefore, it was the duty of both of us, at least to participate in the improvement of the procedure. In other words diminishing possible suffering and torture if there was a chance to do so. At this occasion I asked him whether the confidential information I had received

sometime before from somebody who was outside of Degesch was perhaps a part of his commission and had been sent to me under his responsibility, namely: that allegedly with the approval of Himmler also an SS physician was employed in the killing of sick people who were about to die by applying hydrocyanic acid for medical reasons. I was very glad to ascertain that Gerstein himself didn't know anything about it, but that he was extremely excited about it and told me that here an abuse had certainly taken place, because apart from the commission he had been given he had no knowledge of such actions at all, and he would immediately cause an investigation to be made. That strengthened my impression that these people in the Highest SS Leadership disapproved such excess, and that the job for which Gerstein had been put in charge, had a legal basis as he had described to me. The question was then raised, what quantities would be necessary and during the whole conversation with Gerstein he didn't mention any figures at all. He only said that, of course, he would only need a little. He said, however, that every month he wanted to have quite fresh material because every decomposition or every loss through leakage to the air should be avoided. Gerstein always told me and stressed that he was in favor of absolute humane and therefore quick action and therefore he wanted to have the greatest guarantees possible about the quality of the material. Therefore, he would inform me every month of the quantities needed. I tried to avoid that because I didn't want to have a constant contact in that matter and suggested to him to give me a month's figure in advance, and I told him it wouldn't be important at all if he had a certain excess of material because then, the remaining material could be used for normal means for combatting vermin which was also under his control. Then he let me confirm again that this zyk-
lon without irritants could be used also like the other material for the decontamination of spaces and rooms and he then had the idea to say, "well in that case I will order a larger quantity right away, and thereby I will avoid the constant control of the main health directorat and I can

afford to lay in a certain reserve, a certain stock. That again I tried to contradict in view of our obligations towards Testa and Heli as main agents through whose hands all quantities of zyklon used for decontamination had to be used. Gerstein told me that he absolutely rejected any intervention of Testa and Heli and the rest was none of my business for what final purpose the individual deliveries were to be used. He said I didn't have to worry about our contracts with Testa and Heli because he would give me the order to deliver these shipments within the scope of the top secret matter and that was a case of a force majeure which would cover me at all times with regard to the contracts with Testa and Heli. In conclusion it was only discussed how the business settlement would be made. Gerstein desired that he would discuss matters only with me on account of the secrecy. I told him that was impracticable and I had to reject the suggestion and I pointed to the fact that all further negotiations would have to go via the office of the Degesch. Therefore, the agreement was reached that towards the Degesch the same purpose of use was given as a reason, that of the secret deliveries to the armed forces, and that was the way it was handled later on.

A. (Cont'd) The contact with Gerstein then, confined itself to telephone conversations with the office. I never saw him again. Only from the files I was reminded now that toward the middle of 1944, he wrote a letter to me to Friedberg, and informed me that the whole material which we had shipped to him up to now had not been used at all, that, as a matter of fact, nothing of these shipments had been used as yet, and he asked me whether at this stage it was still usable for decontamination.

At this time this letter was answered on my orders by the Dogesch. I do not remember the exact connections of the matter.

Q. Doctor, can you tell me how much Zyklon was actually shipped to Gerstein?

A. I only know that from the files which have been submitted to me here because at the time I did not follow up the matter. Originally the intention was to send monthly shipments to his address at Orienburg, his personal address; later, he diverted shipments to Auschwitz without my noticing it.

Q. Well, how much was it altogether?

A. I couldn't give you the exact figures but I think it was, monthly, something like 200 to 400 kilograms.

Q. And how often would these shipments be sent?

A. Certainly for half a year, probably 6 to 8 times.

Q. Were these shipments made very secretly by the Dogesch, or were they not booked, or how?

A. There wasn't any secret file for Gerstein. I don't think that I remember whether it was still kept secret during the Frankfurt period. When we came to the evacuation location, at Friedberg, we had no longer the possibility of keeping such matters secret.

Q. Whom did you inform of this conversation with Gerstein?

A. I informed nobody concerning the actual contents of the conversation and under the camouflage of experiments for chemical warfare agents, I informed Mr. Kaufmann.

Q. Did you inform any other members of Degesch, a member of the Verwaltungsausschuss or another employee?

A. No.

Q. In other words, I understood you correctly, you, before 1940, heard twice about gassings?

A. Yes.

Q. One through these conversations with Gerstein, and then the second time through a conversation with somebody who was outside of the Degesch, and which was before the conversation with Gerstein?

A. Yes, that's correct.

Q. Did you inform any member of Degesch about this first conversation?

A. No, I felt myself compelled only to inform the competent agencies about these matters and the only occasion I had for that was during my conversation with Gerstein. Gerstein had strictly prohibited that I should discuss with Mrug wsky these plans.

Q. Do you have any particular clue for the fact that employees of the Degesch or members of the administrative committee of the Degesch had knowledge before 1945 of gassing of human beings?

A. No, I have no clue to that.

Q. You, yourself, had an insight into the delivery of Zyklon during the years since 1939?

A. Yes.

Q. Didn't you notice the tremendous increases in the Sales of Zyklon?

A. They were not particularly striking for me in any way, because as a result of the limitations of production, they still remained far behind the increases in sales for other insecticides.

Q. Didn't the considerable use of Zyklon by the SS strike you?

A. In view of the special position of the SS with its many concentration camps, and its use in barracks, inside and outside of Germany,

this increase in consumption was not particularly striking because the whole consumption of the SS amounted to only 1/10th to 1/15th of the total production; and apart from that, during a meeting of the working committee, for instance, even as late as January, 1944, a meeting attended by representatives of all units of the Armed Forces, and of various Ministries, apart from that also by representatives of all private decontamination firms using Hydrocyanic Acid, that is, practically a public meeting, — there the whole production of Hydrocyanic Acid was split up into quotas, and the requirements of the SS were represented there by the Main Health Directorate, and none of the persons present considered the quota for the SS unjustified.

Q. Well, we often hear about decontamination chambers. Can you tell me what the volume of these decontaminator chambers was?

A. In the main, it was always quite uniformly 10 cubic meters, that was the so-called Degesch system. In exceptional cases, for instance a chamber at Riga, for the decontamination of winter clothes, it was a larger chamber.

Q. Were such chambers also shipped to Auschwitz?

A. Yes.

Q. Who shipped these chambers to Auschwitz?

A. The Degesch only shipped special parts of these chambers, and also via the main representative Testa, it shipped the basic blueprints and had no further insight into these questions.

Q. Could these decontaminator chambers be used only for Zyklon or could you use other Degesch products or other decontaminators in it?

A. No, basically, they were built only for Zyklon but in 1944, when there was a shortage of Zyklon, there was a plan to rebuild them for Catox or Areginal decontaminators, but it was not carried out.

Q. As far as I could ascertain, 19 decontaminator chambers were shipped to Auschwitz. Wasn't that figure so high that it had to give you some suspicion?

A. No, not at all. The Camp Buchenwald, which was nearer to us, had 12 chambers, and the less organized Eastern workers reception camps in Austria for instance, had up to 24 chambers. That was caused by the numbers of transports which would arrive by waves.

Q. Did you have any knowledge of the fact that decontaminator chambers were used to kill human beings?

A. You mean these circulation decontaminator chambers of the Degesch?

Q. Yes.

A. Well, according to all I know today, I consider that completely out of the question. There is not clue to it in any of the reports and technically speaking I consider it impossible also.

Q. Who drew up the business report of the Degesch?

A. The business manager of the Degesch who had individual documents prepared by his department.

Q. Then this report was sent to the members of the Verwaltungsausschuss of Degesch?

A. If a personal meeting was held, it was handed over during the meeting; otherwise, it was sent to the members.

Q. Was there any commentary made to this? Any verbal commentary made to this report?

A. I had ordered that the business report be supplemented by some verbal lecture if any interesting affair had occurred, but that was done only twice during my period. Questions from the circle of the members of the Verwaltungsausschuss didn't give them any reason to make such supplementary reports.

Q. From the business reports, the increase in sales of Zyklon was apparent, and therefore the members of the Verwaltungsausschluss had knowledge of that, too. Did they receive any further knowledge of the deliveries of Zyklon to the Waffen SS or to the Armed Forces or to Gerstein?

A. No, apart from this report they never received any information.

Q. As long as you were the business manager of the Degesch, did any

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A. No, apart from this report they never received any information.

Q. As long as you were the business manager of the Degesch, did any

representatives of the Verwaltungsausschuss ever ask for information concerning details?

A. It was only a well known characteristic of Dr. Goldschmidt, who, with regard to his T-gas and Catox process, asked questions for details, but we always tried to keep these conversations as short as possible.

Q. Was the Verwaltungsausschuss asked for approval with regard to important business affairs?

A. I do not remember whether this was the case with regard to the Verwaltungsausschluss, but yes, in the case of the partners it was right, but only in case of important transactions. For instance in the case of house purchases.

Q. Now, there were minutes where you, yourself were involved, and this involved a discussion with Dr. Tesch. In these minutes you stated that, concerning the settlement suggested by Dr. Tesch, the Verwaltungsausschuss had withhold approval. Now how can you explain this formulation in the minutes?

A. Dr. Tesch was a very difficult customer in negotiations. We had prepared that as a sort of a bluff in order to back up our position. In reality, the Verwaltungsausschuss never explained any position in this matter beforehand.

DR. BERNDT: Your Honor, I have no further questions to the witness.

THE PRESIDENT: Will Counsel for other defendants please indicate by raising thier hands if any of you have any questions of this witness?

Apparently not. Then we will postpone the cross-examination until one-thirty.

The Tribunal will rise.

(Tribunal in recess until 1330 hours.)

AFTERNOON SESSION
(The hearing reconvened at 1330 hours.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: The Prosecution may cross-examine the witness.

CROSS- EXAMINATION

DR. GERHARD PETERS

BY MR. HINSKOFF:

Q Mr. Peters, on the 11th of December, 1945, did you give an affidavit to a Lt. Colonel Aghton Hill of the British Army?

A Yes.

Q Did you at that time state, under oath, that until the publication by the Allies of details regarding the gassing of inmates at concentration camps, that you yourself had never known of such methods?

A Yes.

Q This statement referred to the extermination operations for that was the only thing in question in that trial.

Q Mr. Peters, do you recall stating at that time, under oath, that you never had occasion to advise on this matter of gassing of inmates, and that you never heard any rumors or statements about it?

A Yes, that is true, and that is still my testimony today, with the restrictions that I made.

Q Did you make that restriction in your affidavit that you gave to the British?

A During the entire interrogation by the British only Auschwitz and the mass exterminations were discussed, of which I had no knowledge whatsoever.

Q Do you recall in that statement, that you gave in 1945, discussing and incident in which the SS, in the Auschwitz concentration camp, visited Dörsch and asked if you could supply Zyklon B direct to Auschwitz in view of the fact that a transport of a quarter of a million Hungarian Jews were expected? Do you recall stating that?

A Yes, very well. Because I told Mr. von Halle of this case during the present interrogations, as a proof for the fact that I had not the

slightest suspicion in that direction.

Q I am just speaking about the interrogation. May I please say, if you can answer my question it will be very helpful.

THE PRESIDENT: He answered your question. He said, "Yes," and then he said some surplussage that we will ignore.

BY MR. KINSKOFF:

Q Did you also state at that time that you refused this request since at all times, orders of Zyklon B would go through the Central Procurement, and not directly to a concentration camp?

A Yes.

Q Now when you made that statement did you know at the time that it was completely false?

A No.

Q Did you forget that you yourself, through Degesch, and through your own personal intervention, had large quantities sent directly to Auschwitz concentration camp without going through the Central Procurement?

A I believe that you or Mr. von Halle, who interrogated me, will remember that when I was interrogated by the Prosecution, I answered the question as to whether this material had got to Auschwitz, - whether it had been sent without irritant, and I answered this question about the deviation of this material to Auschwitz - the fact that it was sent to Auschwitz. I only learned about it from the documents now after the war, which prove it.

I said it was my firm conviction that no such shipments went to Auschwitz.

Q Didn't you testify here in court that shipments did, in fact, go to Auschwitz, direct to Auschwitz, in 1944?

A That is my present knowledge.

Q When did you first find that out?

A When Mr. von Halle showed me a document, - a bill-of-lading, - with

the destination, "Auschwitz" on it.

Q That is the first time I saw this bill?

A I was told that I allegedly had signed this bill-of-lading but at any rate I didn't see it with consciousness during the war.

Q Weren't you very much concerned at the time you sent Zyklon B to Gerstein knowing you were by-passing all of the usual rules as to where that Zyklon B went, so that when the orders came through from Dessau, showing that it in fact went to Auschwitz, - did it not leave an impression on you at all?

A I had a firm conviction about the use to which it was to be put, from the way Mr. Gerstein informed me. After the first conversation with Gerstein, I left the development of this affair to my office, so that I could not know - as I said, I didn't even recollect the first letter of Gerstein in the middle of 1944, and I only read it after it was shown to me again.

MR. MINSKOFF: I at this time offer in evidence, NI 12111 as Prosecution Exhibit --

THE PRESIDENT: Now, Mr. Prosecutor, I haven't seen this affidavit but what is the purpose of it?

MR. MINSKOFF: This is an affidavit --

THE PRESIDENT: Let me preface that by saying there would be no point in loading the record to establish that this witness did make statements that he has admitted he made, so if it just simply corroborates his testimony here, that he didn't make statements of that kind, it couldn't be accomplishing anything. If he denies it, it might be competent. I just remind you of that, so that we do not get the record loaded with immaterial matters. Where a witness admits, in the way of an impeaching question, that he made a statement, then there is no use proving that he made it. I just remind you of that.

MR. MINSKOFF: This affidavit does not concern this previous interrogation by the British on this whole complex.

It is his own affidavit and I am now offering it in evidence.

THE PRESIDENT: What is the purpose of the affidavit? What does it establish that is not admitted here?

MR. HINSKOFF: It impeaches a number of things he has stated in his own testimony. I will save the time of the court by not going into each detail.

THE PRESIDENT: You cannot impeach a witness without laying a foundation for it, Mr. Prosecutor, and if you have impeaching testimony you had better lay the foundation. Otherwise it won't serve any good purpose.

MR. HINSKOFF: If it please the court --

THE PRESIDENT: Just a minute. What does the affidavit do? Does it contradict the testimony of the witness, or are you trying to impeach his veracity? If you would give us just an idea of the purpose of it, we can determine whether or not we think it is competent.

MR. HINSKOFF: The affidavit contains this witness's description of the functions of Degesch, of his part in Degesch, of the knowledge he had of the gassings, and it supplements in many parts; in many parts it differs. Rather than go through each part as an impeachment it would save a lot of time of the Court just to put it in evidence.

THE PRESIDENT: Very well. Go ahead and offer it. What is the document number, please?

MR. HINSKOFF: NI 12111.

THE PRESIDENT: The Exhibit number?

MR. HINSKOFF: 2087. I would like to offer with it NI 15067, as 2088. The latter one is some corrections and additions which he has made to his original affidavit.

THE PRESIDENT: Very well.

THE WITNESS: May I make a remark, please.

THE PRESIDENT: Well, Mr. Witness, wait until the interrogations are over, and then if there is something that you feel you want to say we will afford you an opportunity.

BY MR. HINSKOFF:

Q Mr. Peters --

THE PRESIDENT: Gentlemen, there is a little too much noise in the courtroom. It is rather disturbing. If you can be a little more quiet while the examination is going on -- Go ahead Mr. Prosecutor.

BY MR. HINSKOFF:

Q Mr. Peters, when large orders for Zyklon B were made by the SS or by concentration camps, did you always send, these, - fulfill these orders automatically, or did you inquire as to their purpose and use?

A The orders left automatically, because there was no doubt for us about the purpose to which it was to be put.

Q Mr. Peters, I show you NI 15061, which is offered as Prosecution Exhibit 22089.

Q. (Continued) I call your attention to the first paragraph where Degesch writes to Farben that the SS had ordered a certain large quantity of areginal and that Degesch thereupon requested an explanation of the purpose of this requisition. Does that refresh your recollection as to whether you fulfilled orders to the SS automatically or whether you sometimes inquired as to their use.

THE PRESIDENT: Now, Mr. Witness, before answering, you are entitled to look at the exhibit. You are entitled to read it or as much of it as necessary, and then answer the prosecutor's question.

A. My answer is already clear to me. This is a completely different situation which does not contradict my previous testimony in any way. Here an unusually large amount of a completely new material is requested that has never before been applied in requesting amounts of several hundred kilograms for such purposes, and it is requested without stating the technical basis for areginal to us, the production plant was given express instructions, that areginal be used only under very safe and unobjectionable circumstances because of its high combustability. It must become apparent from the first moment that 400 steel bottles of areginal, without having specially trained personnel to handle this or without having technical safeguards and directions for application that this was nonsense that could only come about because of the bureaucracy of an Army. That is why we wanted to get this information. In the case of Zyklon, that was a method of application tried and proven by experts.

Q. Mr. Peters, I now show you NI --

DR. HERNDT: Mr. President, in Document NI-15061, it says we are sending a carbon copy to I.G. Leverkusen. That is the letter asking for an explanation. May I ask the prosecution to present me with that copy.

THE PRESIDENT: Mr. Prosecutor, that is your Exhibit 2089.

MR. MINSKOFF: I am not sure what he is talking about, but if there is any other exhibit that we have, I will be happy to show it to him.

THE PRESIDENT: Perhaps one of your associates can take care of that matter. Go on with your examination. Go on with your examination, Mr.

Minskoff and let Mr. Sprocher and Dr. Berndt adjust that matter on the side.

Q. (By Mr. Minskoff) Mr. Peters, I now show you NI-7277, which I offer as Prosecution Exhibit 2090, which is a letter from Dogesch to the Reichs Physician SS. May I ask you whether that refreshes your recollection as to whether your firm not only checked on whether the SS was using too great quantities of Zyklon B at the concentration camp Theresienstadt, but even checked on the possibility of requesting them to change over to aroginol.

A. This letter has a completely different background and I should like to explain this --

Q. May I interrupt a moment? The question now before you is: Does this letter refresh your recollection as to whether your firm checked on whether the SS was using too much Zyklon B gas in Theresienstadt concentration camp and even requested them to change over to aroginol. That is the question.

THE PRESIDENT: Now, Mr. Witness, the practice is, if you can, to answer the question yes or no, if answering yes or no would place you in a situation --

A. Now, this is a tactical letter. It was merely to serve the purpose of making it possible for one of our people to go to Theresienstadt in order to speak to Mr. Grossman, who was a Jew and former director of our prussic acid station and to make it possible for this man to get a new position. This was only an excuse to enable us to go to Theresienstadt.

Q. Mr. Peters, you testified on your direct examination that in your conversation with Dr. Gerstein, you were trying to find a method of killing the victims who were either criminals or insane or incurable in a way which would be less hurtful, less painful, and therefore the suggestion that you remove the warning agent was made. Now in that connection, witness, did you suggest the possibility of using greater quantities of Zyklon B so they would die more quickly in one minute, say, instead of four minutes or five minutes?

A. No, that is out of the question.

Q. I don't understand your answer. What is out of the question?

THE PRESIDENT: He has answered your question, "no."

A. I did not make the suggestion to leave out the irritant. That was Gerstein's suggestion, nor did I make any suggestion about the doses or any other technical suggestion. I was completely passive in this matter.

Q. Mr. Peters, you testified that only small quantities were sent monthly to Gerstein to be used, is that right, so that it would always be fresh?

A. Gerstein needed it in small amounts for this purpose.

Q. Isn't it a fact that Gerstein wrote to you that the quantity you sent him, he had kept this and he had not used any of it and he was holding it against one sudden use of the whole bulk, isn't that so?

A. That he had not used any of it?

Q. Yes, did he also say in that same letter when he asked you whether it would keep without spoiling that the whole amount may perhaps suddenly be needed?

A. That is in the letter which I did not remember, until I now again saw it in the files.

Q. Yes, it was addressed to you, is that right, that letter?

A. Yes, quite, but strangely enough, I didn't answer this letter.

Q. But you directed Mr. Kaufmann to answer the letter, is that right? You directed one of your subordinates to answer that letter?

A. Yes, yes, but both of us do not remember how this letter came about and I can only imagine that since I wrote and received over 50 letters daily I just didn't pay enough attention to this letter.

Q. Just one last question, Mr. Peters, you mentioned on your direct examination that there were about 19 gas chambers furnished to Auschwitz, and that other places had substantially the same number, 12 in Buchenwald, much more in Austria, is that right?

A. No, not other places -- but I can give you examples, Oranienburg had four only and Dachau had only eight or ten. Mauthausen had eight.

Q. Now what you just mentioned without going any further, they add too to as many as Auschwitz had, is that right? Just the few camps you just mentioned, had, at least, a total of 19 gas chambers?

A. Yes.

Q. Now, how did you account, Mr. Peters, for the fact that Auschwitz alone was receiving more than 90% of all the Zyklon-B sent to the concentration camps?

A. Owing to its situation, Auschwitz was the receiving point of the Southeastern people and the Eastern people and so was exposed greatly to typhus and so that therefore one needed more to decontaminate it.

MR. MINSKOFF: Thank you.

THE PRESIDENT: Anything further from the Prosecution?

Anything from you, Dr. Berndt?

REDIRECT EXAMINATION

BY DR. BERNDT (ATTORNEY FOR THE DEFENDANT MANN):

Q. Dr. Peters I do not know the affidavit you gave to the British in 1945.

A. That is why I asked before to make a remark. During the interrogation of this prosecution, I expressed the desire on two occasions to be permitted to look at that affidavit, because I was charged with having made certain incorrect statements and I was quite ready to correct this again on the basis of files that I had found in the meantime, but I was not able to do so.

DR. BERNDT: May I then perhaps take up this request and ask on my own that this affidavit be introduced into evidence. The prosecution is in possession of this. It has put this affidavit to the witness and therefore I think that they should be asked to introduce it into the trial.

THE PRESIDENT: The prosecution alone is responsible for what is introduced in evidence. You have no right, nor have we to order the prosecution to offer something in evidence. If the prosecution has the

affidavit available under the practice that we have announced here in the past, the prosecution should furnish you a copy of it and then you can decide what you want to do with it. May I ask, Mr. Prosecutor, do you have this affidavit?

MR. SANCHEZ: Yes, Dr. Berndt may have a copy at this point. I think your Honors are familiar with the fact that for our purposes once we have had the advantage of using this type of admission for cross-examination which we think is the purpose of these War Crimes trials as in the case of this particular type of interrogation we have no objection to Dr. Berndt having it, but ten minutes ago, we would have, but not now.

THE PRESIDENT: Very well, then, we don't have to pass on the matter. Dr. Berndt, you are entitled to that affidavit and the prosecutor will give it to you, and you can determine whether you want to use it or not. Go ahead with your examination.

Q: (By Dr. Berndt) It was mentioned a while ago that you had heard something about 250,000 Hungarian Jews who came to Auschwitz. What did you know about them?

A. It was self-evident for me and I am still convinced today that it was also self-evident to the SS sergeant, the Scharfuhrer, that the arrival of a quarter of a million Jews from Hungary would crowd the camp to such an extent and increase the danger of typhus in such a way that there was an urgent reason for needing a lot of Zyklon-B, but we again arranged with the medical inspectorate that we were not going to make any more exceptions to furnish this stuff directly.

Q. Did you suspect at the time that these 250,000 human beings were going to be gassed in Auschwitz?

A. That is a suspicion that was contrary to my moral conception, the idea that a quarter of a million of Jews were going to be exterminated was quite inconceivable. Unfortunately, one knows differently today.

Q. In the case of this one letter, you stated previously that you had written it in order to get touch with a former Jewish colleague of yours who was in Theresienstadt and whose name was Grossmann.

COURT VI CASE VI
3 Apr 48-14-6-A-~~EH~~-Arminger (Katz)

A. Yes.

Q. Can you prove that so that it won't look as though it is just an excuse you are now using?

A The people with whom we spoke at the time one of those people is still around. He was the Chief of the Alkali Works Kolin, who was also interested in getting in touch with Mr. Grossmann.

Q What relations did you have personally with the SS?

A None at all. I might say, perhaps, that after some temporarily friendly relations with Mr. Mrugowsky, whom I saw every six months, these relations were strained to such an extent under Gerstein and under his successor, Sturmbannfuhrer Pflaum, in fact they became so bad that I was threatened with being put in a concentration camp and I had to turn to Reich Health Leader Conti finally in order to save my own life and there are witnesses who can testify to that.

DR. BERNDT: Mr. President, so many new exhibits have been submitted to the witness, also by myself that it is practically impossible for the witness to get a clear picture without having read these documents, for example, about what is true and what is not true, and I don't know what I am to ask the witness either. Therefore, may I make the suggestion that I interrupt my redirect examination today and that I take it up again Monday morning after I have had a chance to read these documents. For example, I can see this has more than 25 pages, this document.

MR. SPRECHER: Mr. President, just so the record is clear on the question, the two letters introduced, each of which were a page long, and the witness has covered them almost without seeing them by saying he didn't even have to read them. He understood immediately what they were about. The other two documents introduced were prior statements under oath, of which the witness has had his copy.

THE PRESIDENT: Dr. Berndt, Dr. Berndt.

DR. BERNDT: May I answer one thing? But these affidavits I didn't know previously. In one of them, for instance, it is stated that I and my client, Mr. Mann, had been directly informed of important

questions by copies or letters. I have to state my opinion about it. I can't do so unless I know the entire contents of this affidavit.

THE PRESIDENT: If you will keep within the limits of your allotted time and will be prepared on Monday morning to finish your redirect examination of this witness, we will pass the matter over at that time.

May I say in that connection that before formulating your questions with respect to these documents, it would be well for you to refresh your recollection as to the purpose for which they were offered and the scope of the prosecution's inquiry concerning the documents. Just because the document is long does not necessarily indicate that it is a proper subject of a very long inquiry, here, as, for example, when the witness admits that he obtained or received a letter, and then the letter is offered in substantiation of it, then there is not much to talk about, but we can rely upon your good judgment not to abuse the purposes of the examination and the matter may go over to Monday morning.

DR.. BERNDT: Thank you very much.

THE PRESIDENT: Now, what is your further pleasure?

DR. BERNDT: I shall not ask any more questions of this witness and I will have him wait until Monday and then I would like to call the witness Dr. Rauscher.

THE PRESIDENT: Just a moment.

DR. HEINTZELER: Mr. President, I just find that Mr. Peter's affidavit, NI-12111, was taken on the 27th of October 1947. About the question to what extent the witness has to be interrogated about this on Monday, it seems to be important for me to know whether only those parts of the affidavit are in evidence which allegedly contradict his oral testimony or if the whole affidavit is in evidence. If the latter is the case, then I am of the opinion that the presentation of this affidavit at this time is inadmissible because the prosecution during their case in chief had time enough to offer this affidavit into

evidence.

THE PRESIDENT: The entire document is in evidence. There were no limitations on the prosecution's offer of the document. If you want to prepare yourself to present your views at the time the matter is taken up again Monday morning with respect to its competency, we will give you an opportunity to say what you have to say.

DR. THEOBALD (ATTORNEY FOR DR. BUERGIN): Mr. President, may I ask you for permission to question the witness on Monday about the document which has just now been introduced as 2089 insofar as my client is concerned.

THE PRESIDENT: You will have that opportunity.

DR. THEOBALD: Thank you very much.

THE PRESIDENT: Now, witness, you are excused from the witness stand, but we will expect you to be available Monday morning.

(The witness was excused and withdraw.)

THE PRESIDENT: What have you next, Dr. Berndt?

DR. BERNDT: A witness, Dr. Rauscher.

THE PRESIDENT: The Marshal will bring in the witness, Dr. Rauscher.

Now, gentlemen, while the Marshal is bringing in the witness, may I take advantage of this opportunity to make an announcement, because of the fact that there is a very good number of counsel for the defense present here this afternoon.

You gentlemen will recall that under the order heretofore made, next Monday, April 5, was the deadline established by the Tribunal for the submission of your document books for processing. We indicated, however, that we would exercise an exception upon sound discretion to permit additional documents upon a reasonable showing or upon it appearing that there is reasonable grounds for you to supplement your books. There is just one thing I would like to say very definitely and clearly to you in that regard. There has come across my desk in the last few days a few written petitions asking

for the privilege of introducing additional documents; as a matter of routine and administration, when you file a written petition, the Tribunal is required to make a written order for the archives. No, we do not want to encumber our record with requests for the processing of additional documents, and please understand that if you think you are justified in asking for the processing of additional documents, go personally to Judge Marrell, who will act for the Tribunal in that regard, show him the document, and, if it is proper, he will give you a slip and you can attend to it and take it to the defense center, which will solve the whole problem and you will not be required neither shall we expect you to file written applications for additional documents, but we do not want to hear what documents you have, and Judge Marrell will deal with you in that regard.

MR. SPRECHER: Mr. President, in going through some document books recently in connection with the question of cross-examination and attempting to develop a schedule concerning that problem, I came upon one example in the Bustefisch Case. I believe there are 116 affiants alone, quite apart from the fact that a number of those affiants gave two or three and sometimes half a dozen affidavits. Now I am wondering, Your Honor, if beyond this deadline you are making any distinction between documents of a contemporaneous nature concerning this case and the documents which defense counsel by their very assiduous work create by means of interrogation of further people. I think it is --

THE PRESIDENT: We have given some thought to that, because manifestly if a large number of omitted documents in the nature of affidavits come in, in the later days of the trial, it is going to make a problem if the prosecution wishes to cross examine the authors of those affidavits. Now, you can avoid perhaps getting yourselves into much difficulty in that line, if you can anticipate whatever affidavits you may yet feel required to introduce and get them in as early as possible and limit the additional documents you offer

to documentary evidence proper, insofar as is practicable. We have in mind that it may be necessary in the interest of closing up the case on the schedule for these days to fix a possible deadline beyond which affidavits may not be submitted. We are hardly prepared to do that now, but you may take that as notice of a problem that we may be confronted with and get your affidavits, if you find there are to be additional affidavits, in very promptly so that there will be timely opportunity for the cross-examination of the makers of those affidavits.

DR. HERBERT RAUSCHER, a witness, took the witness stand and testified as follows:

THE PRESIDENT: Mr. Witness, will you raise your right hand and please say I and state your name for the record?

THE WITNESS: I, Dr. Herbert Rauscher --

THE PRESIDENT: Now repeat after me the oath:

-- swear by God the Almighty and Omniscient that I will speak the pure truth and that I will add and withhold nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

BY DR. BERNDT (Attorney for the Defendant Mann):

Q Dr. Rauscher, would you please indicate your age?

A I was born on the 31st of October 1909.

Q Where do you live now?

A In Frankfurt on the Main. I am an Austrian citizen.

Q How long have you been working in the field of insecticide?

A Since 1934.

THE PRESIDENT: Mr. witness, permit me to advise you that we get only the translation into English of your testimony and if you answer too quickly we get a mixture of English and German. It is hard for us to understand. Over on the right, in the glass case

there is the young man who is translating your testimony. If you can keep an eye on him occasionally and give him an opportunity to translate the question, Dr. Berndt's asks you, before you reply, we will get along very much better. Just one thing further, if you get to talking too rapidly the yellow light will flash there in front of you and if perchance the red light should go on, that means for you to stop until you are told to go on.

THE WITNESS: Thank you, Mr. President. From 1935 on, after proper training with Degesch and Heli, I worked in Bulgaria as the foreign representative of Heli. Besides that, I worked for Heli in the countries Yugoslavia, Rumania, Greece and Turkey. I was there in a capacity of technical expert. Since the summer of 1945, I have been a business manager of Heli. Before that time, from the autumn of '44 on until the March of '45, I was available to the production committee for insecticides and plant preservation in Friedberg in Hesse. There I was the immediate collaborator of Dr. Peters.

BY DR. BERNDT:

Q What did this production committee have to do?

A In the course of the war, a very critical scarcity in all high grade insecticides occurred. Therefore, it became necessary to control production, raw materials procurement, and the sales. That was the task of the production committee.

Q Could the Degesch then control the products, and especially zyklon, the way Degesch wanted?

A No, they couldn't do this any longer. They had to comply with the directives of the production committee, just as any other production firm of insecticides as well.

Q Could the shareholders of Degesch or the members of the Verwaltungsausschuss of Degesch have had the possibility to influence the distribution of products or controlling them in any way?

A No.

Q Why?

A Because the production committee was the highest authority that was competent for the final distribution and also for the production.

Q You said a little while ago that from the autumn of '44 on you had been working together with Dr. Peters.

A Yes.

Q What was the reputation of Dr. Peters?

A Dr. Peters was considered as the foremost expert in Germany in the

field of combatting insects, and his reputation exceeded Degesch's production. He had extensive knowledge in all fields of insecticides. He was a scientist who gave priority to the technical interests over those of business interests.

Q Did you consider Dr. Peters a man upon whom one could rely in business and human matters?

A I have to answer that in the affirmative. He was strictly conscientious.

Q Before 1945, did you ever hear anything about gassing of human beings?

A No; I have to add that several times a year, I spent some time for a period of several weeks within Degesch and Heli - and that until 1943 I was regularly in the neutral foreign countries, especially in Turkey. There I learned neither from my friends nor newspapers -- and I read English and American papers quite regularly, and I subscribed to a Turkish newspaper; I listened to the enemy radio stations regularly-- I never got any information about gassings of Jews.

Q You were in Bulgaria?

A Yes.

Q Weren't there many Jews still living in Bulgaria?

A Yes.

Q Did you have any contact with them?

A Until they left Bulgaria, I was friends with some Jewish families and had daily contact with them. Furthermore, I had approximately 100 Jewish customers. All these people expressed the fear to me that they might be deported to labor camps. I, myself, for instance, had two Jewish secretaries about whose safety I had to take energetic steps. But none of these people told me that they had any fears of extermination measures. They only feared that they might be deported to labor camps; moreover, nobody was deported from Bulgaria.

Q Tell me, did you have any knowledge about the development of the sales of zyklon. I needed this information for introductory work,

so to speak, in the foreign countries. It was the most important advertisement that I had available in those countries where the zyklon was to be introduced. It was the best advertisement I had for the authorities in those countries.

Q I took the liberty of presenting, Your Honors, two charts about the sale of zyklon: No. 1 and No. 2. Since I do not have sufficient copies, I asked that they be enlarged and had them affixed to the wall. The witness, himself, knows these charts, and may I ask you please to explain these charts No. 1 and No. 2. But you have to remain seated because you have to talk into the microphone.

A The first chart shows the development of the sale of zyklon in tons at home and abroad. The red curve represents the domestic sale of zyklon and in the areas occupied by Germany. The blue curve underneath represents the development of the sale of zyklon in the foreign countries, that is to say, in those countries which paid for their shipments in foreign exchange. One can see that the increase in the requirement of the foreign countries developed much more quickly than the domestic requirement. The second chart represents the increase in percentage figures of the sale of those Degesch products which were used for room decontamination. One can see the products: zyklon, that is the red curve; T-gas, another product that is an ethyl oxide, that is the green curve; the product Tritox, that is trichloride acetonitrate, that is the yellow curve; and another products, Ventox, that is the brown curve. From this chart again it can be seen that the zyklon by far did not increase strongest in sales. It must be added that the increase in requirement in case of the other products was hampered very strongly by the fact that on the one hand the production started only during the war, and on the other hand, the production plants were destroyed relatively early in the war. In connection with these charts, I might add perhaps that I no longer have the exact figures of the non-Degesch products used for room decontamination. I know, however, that for instance, an emergency product that was used for

delousing and which was called Ilo had a production requirement in 1944 of 900 tons, but for instance, in 1939 this same product practically did not exist on the market.

Q Mr. President, may I ask that these two charts be given an exhibit number: Zyklon sales No. 1 to be given Exhibit 49, and chart No. 2 should be marked Exhibit No. 50. Well, Dr. Rauscher, zyklon sales increased very strong here. Did you have no suspicions about that?

A Not at all. It was quite natural that particularly during the war a product such as zyklon was going to be used in a much greater extent than during peace time. There are a number of reasons why this was so; for one, the crowding of people owing to the war, the conquest of territories that were infested with lice; the mass-movements of human beings. I would say that it was almost a migration of peoples. One must add that in Germany, as compared with the United States and contrary to the United States, prussic acid was almost the only high-grade delousing agent known. The well-known DDT, an agent which is used for delousing purposes in the United States and which was so successfully used during the war and is still being used today, was not produced in Germany in any extent until 1943 and was not introduced until 1944 on the market. I know very well that apart from these highly effective agents, the so-called auxiliary or emergency drugs had a much higher requirement, because the production of highly effective drugs was by far insufficient to cover even the most urgent demand. I want to point out that in Bulgaria, where the sale of zyklon increased to approximately 10 times its previous amount and exclusively for Bulgarian requirements and not for requirement of the German army, already in 1943 we were behind in our shipments by six months. The products T-gas, tritox or ventox we didn't receive at all in the foreign countries at that time.

Q Did you know anything about shipments of zyklon to the SS or to concentration camps?

A Yes. In 1944 immediately after I entered service in the production committee, I participated in a meeting of the production committee in Berlin where very serious reproaches were made by the SS because of inadequate shipments of material, and not only because of inadequate shipments of zyklon but particularly because of the completely insufficient amounts of DDT that had been shipped. The German material that contained DDT was called Lausoto or Geserol. That would have been a completely high-grade substitute for zyklon which was completely harmless to humans.

Q How was the strong requirement of the SS explained?

A For one, because of the extremely acute danger of typhus. I do not know whether you are familiar with the fact that even at home at the time in Germany, epidemics of typhus had occurred, and finally the SS also had an organization for room decontamination of their own, and when the SS decontaminated barracks, and so on, they did not use the organization of Degesch but they had their own very well-trained and extensive decontamination organization.

Q Well then, you say that this zyklon was not only used in decontamination or delousing chamber?

A No, not exclusively; on the contrary, the requirements for the delousing chambers were only a small fraction, I would call it, of the requirements for room decontamination.

Q Then the most part of zyklon amounts were sent to camps or other places that had no delousing chambers?

A Yes, of course.

Q Did the SS alone urge that zyklon be increased in its shipments, or were there other agencies as well?

A No, the Wehrmacht did that too in the same way, but there was an essential difference. The negotiations conducted with the Wehrmacht because of increased shipments of zyklon were carried out in an objective manner, I would say. I don't know if you can imagine the atmosphere

in which the negotiations with the SS were conducted. I just want to describe one little event that happened at this meeting in November. I was sitting three paces away from Sturmbannfuehrer Pflaum. After Pflaum repeatedly had reproached us for the insufficient shipments, he made a demand for a disproportionately high amount of DDT that we were supposed to ship, which was impossible for us to meet according to the circumstances at the time. Dr. Peters pointed out this impossibility of complying. The Lauseto was produced at the time partly by Schering and partly by Farben. Instead of giving any answer, Pflaum jumped up, hit the table with his fist and shouted at Dr. Peters, "Don't tell me anything. I know the saboteurs. That is you and Farben. You have the stuff. You can rely on it we are going to hit you some day."

Q I don't understand that. What has Farben to do with this affair; in particular, with the shipment of zyklon?

A Farbe has nothing to do with the shipment of zyklon. It concerned Lauseto, the German DDT.

Q I see. From the files I was able to see that the SS refused to give you a specification of their demands. Didn't that make you suspicious?

A No, because this specification of demand was not demanded only for zyklon, but it was demanded generally for all requests of the SS. Pflaum took the point of view that the production committee had no right whatsoever to know anything about the final disposition of this material, and by the way, the Wehrmacht had the same opinion.

Q Did you know anything about a shipment of zyklon without irritant to Obersturmbannfuehrer Gerstein?

A No.

Q Would you have considered such a shipment as suspicious?

A No.

Q Why not?

A From 1935 on, I, myself, ordered and received considerable amounts of zyklon without irritant for Bulgaria. We ordered it at the time for

the decontamination of certain for food stuffs, and above all, for the decontamination of raw tobacco.

Q When did you hear for the first time about gassings of human beings?

A Probably in July 1945 through the Moscow radio.

Q What year again?

A In 1945

Q Did you hear rumors previous to that about mass gassings of humans?

A No, never.

Q Unfortunately, we know today that many people were killed by means of the zyklon. I am interested in hearing from you briefly how much zyklon is needed in order to kill any human being, but don't give any calculations, just answer this very briefly.

A Well, to put it briefly, the can that you have next to you, which had 500 grams in it, would be sufficient in order to kill all those people present here in two minutes if it were opened and the stuff was in it.

Q This room is very high. Doesn't that depend on the amount of air that is in the room?

A Yes, of course. In order to bring about the death within one minute, a concentration of gas must be present approximately five grams per cubic meter. The human being breathes in 12 liters of air in a minute. That is well known. If you assume that a concentration of 5 grams per cubic meter is present, then 1 cubic meter of air contains 5 milligrams; that is, with 12 liters of air you breathe in 60 milligrams of prussic acid. That is lethal for a human being who weighs approximately 60 kilo grams.

Q I am just being told that there has been a mistake. The witness said that in one meeting the SS Fuehrer Pflaum said, "We have the material against Farben." And if I understood the witness correctly, that was intended to mean that they have the material to the effect that Farben and other people were saboteurs. He used the expression "sabotage,"

3 April 1948-A-MSB-17-4-Gaylord (Katz)
Court VI, Case VI

and did not say material, referring to the delousing drug.

A Of course not.

Q Mr. President, I have no further questions.

THE PRESIDENT: Anything else from counsel for defendants?

(No response.)

THE PRESIDENT: If not, prosecution may cross-examine this witness.

CROSS-EXAMINATION

BY MR. MINSKOFF:

Q Mr. Witness, this chart which has been identified by the defense, it is pure percentage chart, is that right? It has no weight as to the quantities in it?

A Yes, by the amount of tons. The amount of tons are listed also. Each of these figures represent the tonnage of the drugs used.

Q I am referring to the --

A Oh, excuse me, that is the percentage of the level in 1940.

Q That is right, so that if one pound of a particular commodity was sold in the base year and ten pounds later, it would show 1,000 percent increase?

A Yes.

Q Where is if 1,000 pounds were sold one year and only 2,000 pounds the second year it would only show 100 percent increase?

A That is correct, yes, but, of course, we took a consumption year average, represented an average.

Q Now, Mr. Witness, you spoke of this production committee which had control of the allocation of Zyklon?

A Yes.

Q And you mentioned that there was very little that Degesch or anyone else could do about actually making allocations of the commodity. Now, who was heard of this whole production committee you spoke of? Wasn't it Peters?

A Yes, it was Dr. Peters.

Q And who gave the funds to make the committee possible, wasn't it Degesch?

A That was partly Degesch and partly other firms as well.

Q Now one further question. You mentioned that you are not surprised

about the increase in sales of Zyklon during the war, because of the war and because of the danger of typhus?

A Yes.

Q And did you know, Mr. Witness, that in 1941 the sales of Zyklon B fell substantially below that of 1940 in spite of that fact that it was 1941 when the Germans were in Poland, and it was in 1941 we had the big typhus danger, did you know that?

A Yes, that was quite normal. In 1939 we had the Polish campaign. As a result in 1940 there was the necessity of furnishing permanent quarters for these troops that occupied Poland at the time, and therefore, these quarters had to be decontaminated. Then nothing happened until the Russian campaign began, but the effects of this campaign were felt only after a certain permanence had been reached in the troop movements. We had the same fluctuations in earlier years already, for instance, at the time of the removal of troops from the Rhineland there was a very small sale but immediately thereafter the sale increased tremendously, which was much higher at the time than, for instance, now.

Q And you are not at all surprised that it was two years later, in 1942, that the sales of Zyklon for the first time reached an all-time high?

A No, because at that time the production capacity of both production plants was very essentially increased. Whereas the peacetime capacity of Dessau, I don't know exactly, but I think it was approximately 150 or 200 tons, the wartime capacity immediately before the destruction of these plants was around 400 tons; if in 1942 and, 1943 both production plants had been able to work at full capacity, which was not possible because of the constant airraids, then the Zyklon consumption would have increased to approximately six to eight hundred tons, for alone in the foreign countries we were able to sell more than two times our sales at the time.

Q In foreign countries your sales did not show any drop as a result

the war, did they?

Yes, they did, sale to a number of countries was completely eliminated.

Q So that when you show a total increase it meant an even sharper increase within Germany?

A I didn't understand that.

Q If your sales outside Germany fell because of the war, but your total, nevertheless, increased, that merely accentuates the sharpness of the increase within Germany, isn't that right?

A No, I think I didn't put that very well. Sale to few countries abroad was eliminated, but nevertheless the entire consumption abroad was increased much more than it was at home, because in the remaining foreign countries, to which we had access, the requirements of Zyklon was increased tremendously.

Q That was the question I originally asked, that that increased abroad during the war, and the answer is now yes, and the sales increased during the war, in spite of the war, and the answer to that question--

THE PRESIDENT: You mean the aggregate sales?

MR. MINSKOFF: No, sales abroad.

THE PRESIDENT: Aggregate foreign sales?

MR. MINSKOFF: That is right. He answered it. Thank you.

CROSS-EXAMINATION

BY MR. SPENCER:

Q I have just a few questions on one point. You testified about being in Bulgaria. In what years was that and for how long?

A From 1934 on until 1944 I lived in Bulgaria.

Q In what city?

A In Sofia.

Q Did the Jews you know come from any ghetto in Sofia or were they living in individual houses like, scattered around like other people?

A There was no ghetto in Sofia. Only in 1944, as far as I know, was there a regulation of the police according to which the Jews had to leave their residences and move into one section of town. Fortunately

this was not carried out completely and my friends, for instance, remained in their old residence. There was no ghetto.

Q Now, did the Germans assume complete authority over the Bulgarian Government up until the last part of 1944, as they had in Hungary, Poland, the Protectorate, Austria, and the other countries of Southeastern and Eastern Europe, as far as you know?

A Oh, no, there was a very great difference.

Q I agree with you so there won't be any necessity for explanation unless counsel wanted to ask you. Did any of the Jews you knew in Bulgaria talk to you about any of the inhumanities that were done to the Jews in Germany, or didn't they talk to you about it?

A Yes, we did talk about that. People were, of course, outraged. You must imagine if one associates daily with one's customers who have Jewish friends in Germany one hears quite a lot, and I did at the time hear quite a lot.

THE PRESIDENT: Are you through?

MR. SPEECHER: I beg your pardon; no further questions.

THE PRESIDENT: Anything further; anything else, Dr. Berndt?

DR. BERNDT: I have no questions, Mr. President.

THE PRESIDENT: Then, Mr. Witness, you are excused from the witness stand and the Tribunal will take its recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: The record may show that the defendant Mann is in the witness box.

DR. BERNDT: Your Honor, first of all may I request that the Tribunal take the volume, Document Book Mann No. 6, because I want to finish putting in my last documents. On the first page of the index, your Honor, you will find Document 159 which is an affidavit of Wilhelm Zangen concerning a lecture by Sauckel. I ask that it be accepted as Exhibit Mann 314. The next document is also referring to that speech; it is document 108 and I ask that it be given the number 315. It is followed by an excerpt from a Hoerlein exhibit, Exhibit 105.

THE PRESIDENT: Dr. Berndt, in these numbers, have you taken into account the numbers you assigned to those cans so we don't get confused on numbers here.

DR. BERNDT: Yes, your Honor. This Exhibit 105 Hoerlein, Document Mann 259, is the last document listed on page 1 of the index and I ask that it be given Exhibit No. 316. Going over to the next page of the index you will find document 139 which I ask be given Exhibit No. 317. It is an affidavit of Heinrich Loew to the effect that Dr. Vetter did not receive any higher salary or non special consideration. It is followed by Document No. 313 which will become Exhibit 318, an affidavit of Gerhard Zahn concerning the visit Mann made to the Reich Health Leader Conti. The next page you will find Document 659 which will become Exhibit 319, while Document 660 will become Exhibit 320 and Document 600 will become Exhibit 321. Going over then to page 5 of the index you will find Document 6 which is supposed to be given Exhibit No. 322, followed by Document 95 as Exhibit 323, followed by Document 13 as Exhibit 324 and finally Document 14 as Exhibit 325, and that is the conclusion of these documents except for the supplement to Document Book II Dagesch where we have first of all Document 60 an affidavit of Elisabeth Goebel a secretary, which I ask have the Exhibit No. 51, a statement by Dr. Rauscher

which will be No. 52 and another affidavit of Dr. Rauscher on the next page, page 5, Document 62 which will be No. 53 and also an affidavit by one Ernst Eichwald which I ask be given the Exhibit No. 54. He is a Jew who was with Scheideanstalt, Frankfurt, and in close contact with the business managers, Herr Schlosser, Mr. Ernst Bornau and Dr. Walter Hoordt, and also had social contact with them and he thinks it is out of the question that these people knew about the fact that zyklon was used for the gassing of human beings and he thinks above all that it is out of the question that these gentlemen would tolerate that zyklon would have been used for that purpose.

This statement is more important than that of other persons because this man has to mourn for two sisters whom he lost by gassing. The last document in this supplement is Document No. 64 which I ask you to accept as Exhibit No. 55 and this is a copy of the agreement treaty between Degesch and Tesch. This concludes my submission of documents and I want to question Herr Mann in brief concerning the questions covering point C of my discussion.

THE PRESIDENT: Just a moment. Referring back to your Book 6, Dr. Berndt, on page 6 of the index you have listed your document 636.

DR. BERNDT: Yes, your Honor. That is not submitted. I am not submitting that. It can be crossed out.

THE PRESIDENT: Was your last document in your supplement book, your document 64? Is that Exhibit 356?

DR. BERNDT: 55 your Honor.

THE PRESIDENT: Let's recheck that. In Degesch Book 60 your first document is 352. Is that correct? Or is it 351? I think I am running one ahead of you all the way. What is the number of Document 60 in the Supplement? What is the number of the exhibit?

DR. BERNDT: In the supplement the last document is 64, your Honor, and bears Exhibit No. 55.

THE PRESIDENT: Thank you. Is the first document 351?

DR. BERNDT: Your Honor, the first document in the supplement to

Document Book II is Document No. 60.

THE PRESIDENT: What is the exhibit number?

DR. HERNDT: 51, your Honor.

THE PRESIDENT: 351?

DR. HERNDT: No. 51, your Honor.

MR. SPRECHER: Mr. President, are you through with the number problem at the moment?

THE PRESIDENT: Yes, when I do a little physical exercise here I think I have it now as I understand it. All right, Mr. Sprecher.

MR. SPRECHER: With respect to the Degesch numbers 52 and 53, that is, Exhibit Nos. 52 and 53, Documents 61 and 62, we rise to make an objection to them for I think rather obvious reasons. As far as I can tell they are about the exact subject which Dr. Reuscher was just questioned about on the witness stand 15 minutes ago; they are a page long and furthermore the Prosecution hasn't seen this in the English language or we would have pointed that out even sooner. I really think that we ought to avoid having evidence piled upon evidence in different forms and ways when it doesn't mean anything.

THE PRESIDENT: Is there anything additional to the testimony of this witness necessary in these documents, Doctor?

DR. HERNDT: The document, Exhibit 52, your Honor, is nothing additional. The witness has already explained about that here but Exhibit No. 53 is additional.

THE PRESIDENT: We shall not take time to examine it and compare it with the testimony but on your statement your Exhibit 52 will be stricken from the evidence and 53 will stay in for whatever it may be worth in addition to the testimony.

DR. HERNDT: Yes, your Honor.

THE PRESIDENT: You may continue.

DR. HERNDT: Yes, your Honor.

MR. SPRECHER: Excuse me, Mr. President, I don't like to take up your time now but if we could have it pointed out to us what there is that

is new in Degesch Exhibit No. 53 we can perhaps avoid building up the transcript by cross examination of this witness who merely left the stand 10 minutes ago and now we have here four short paragraphs. In other words from the point of view of orderly procedure I would like to know what Dr. Berndt is getting at here and try to save time in the long run.

THE PRESIDENT: We will let you gentlemen solve that problem rather than take up time on the proof. If you can find anything different after you get the transcript you can deal with it; otherwise it wouldn't be the first time surplusage was in the record and we will treat it as surplusage if necessary, so you may go on now.

DR. BERNDT: Now, may I go on asking Herr Mann about two points?

THE PRESIDENT: Go ahead.

BY DR. BERNDT:

Q. First labor questions, and second medical experiments. Herr Mann, the Prosecution has exhibited 1322 according to which a Vorstand meeting was held on the 29th of October 1942 and you made a report concerning a lecture or a speech by Sauckel held in the Reich Group Industry. What can you tell me about that report?

A. Concerning this manifestation of the Reich Group Industry I had received an invitation in my capacity as member of the Advisory Council of the Reich Group Industry. On the day of this meeting I was in Berlin to discuss with the business manager of the Reich Group, Dr. Langguth, various matters of interest to both of us.

When we said good-by he pointed out to me that this meeting was held on the same day and upon this secrecy I went to the meeting.

Q. Herr Mann, Maybe I can ask you in view of the short time we still have at our disposal, that you will be as brief as possible. Can you recall the speech in its contents?

A. Yes, I do remember the speech made by Sauckel and particularly the part dealing with the treatment of foreign workers. He very urgently pointed to the necessity to treat the foreign workers well, and more particularly he spoke of the necessity to introduce the investigation into the piece work system, that is, he spoke of justice in the piece work system. That is the main recollection I have.

Q. Were you, yourself, concerned with labor questions at all?

A. No, as the Director of a sales combine I was not connected with those problems.

Q. Did you know that the German industry employed foreign labor?

A. That was known to me.

Q. Did you know anything about the fact that foreign workers were compelled to go to Germany and brought to Germany by force?

A. During the first years of the war I was under the impression that in the case of foreign workers recruited that voluntary workers were concerned; however, as the war progressed I would say from 1943 onward, I got more and more the impression that labor conscription was used.

Q. Did you have any knowledge of the fact that foreign workers were maltreated?

A. I never heard anything about it. As to the problem of treatment and housing and feeding of foreign workers I heard often about it when I discussed it with my colleagues from Leverkusen who after all had to deal with those problems. Leverkusen was the only one of our plants which I visited during the war, but there, on account of the constant contact I had with my colleagues, I often had the opportunity to hear about those problems.

Q. That brings me to the last point I want to discuss with you Herr Mann. It is the question of medical experiments. You were the manager of the Bayer Sales Combine. Now, in what way were you connected with :

experimental medicaments in this capacity?

A. I was not connected at all with the scientific problems connected with the experimental medicaments. Through the director of the scientific department, Dr. Mertens, however, I heard either by him directly or during the discussions or from his own minutes from the sessions, what new substances would probably in a short period be sold. That was the problem that I was interested in as far as experiments were concerned. It was the last stage, as it were.

Q. Dr. Mertens had a residence in Leverkusen. Is that right?

A. Yes.

Q. Now what were his tasks?

A. Dr. Mertens as I said already, was Director of the scientific departments which, as far as organization was concerned, was a part of the sales combine of Bayer. His main task consisted of the dealing with all problems connected with scientific publicity. In other words publicity with the physicians, clinics, hospitals, pharmacists, etc. He was a professional physician and saw to it that scientific contents of publicity were always in line with the newest achievements and the up to date knowledge of applied medicine. For these tasks he was directly responsible to me in spite of the fact that in practice he would work mainly with the Regional Directors who would draw up the publicity for their areas.

Q. Did the department in which Mertens was in have sub-departments?

A. The scientific department was split up in several departments and the departments W-1 and W-2 dealt mainly with the test preparations and exercised the control on a large scale over the so-called experiment testing. These were termed quite correctly here as clinical tests under medical care.

Q. Now, to whom was Dr. Mertens responsible for the activity you just mentioned, this last activity of his?

A. Here I can only confirm the testimony of my colleague Professor Hoerlein, and at the same time I can confirm the testimony of the witness

Dr. Luecker and in a few brief words I might describe how the development of this testing was seen by me. The information concerning the new testing preparations that came from the laboratories in the form of an expose which was described here. Either they would come from Elberfeld or Hoechst. In these surveys everything was contained with regard to the indications of the ingredients of the preparations and whatever was necessary for the tester to know. We always had more testers than preparations to be tested. The interest taken by the physicians in the new preparations and also in the preparations which might be brought on the market in a short period was always extremely important. As far as the choice of the testers was concerned this was first conditioned by the contact of the scientists in the field service, by the scientists of Bayer with the physicians and clinical physicians. On account of this contact the personal connection was safeguarded with the testers who might be taken into consideration and the decision as to what physician or clinical physician would be called into the experiments was to be made by Dr. Mertens who in general made his decision with due consideration to the fact that whether the examiner had the necessary training as a physician. In other words the documents would be sent to Herr Mertens and after a certain period of time he had the possibility of forming a judgment concerning the result of the examinations up to that point. The judgment could be positive or negative, but in every instance these reports would then be summarized and sent on to the laboratories and it was discussed then with these laboratories whether changes would be necessary in the preparation or whether, for instance, the quantities to be used should be subject to new regulations and so on and so forth. If eventually the result of the experiment was so conclusive that the product was ready to be put on the market then this would be discussed in the main conference and the decision for commercial exploitation would be taken and for this part of his activity with the Departments W-1 and W-2 Herr Mertens was responsible directly to Professor Hoerlein with regard to the Elberfeld products and to

Herr Lautenschlaeger with regard to the products of Hoechst.

Q. Did you at any time hear anything about the fact that medical experiments were made on concentration camp inmates?

A. No, at no time.

Q. Did you know Dr. Vetter?

A. It is possible but I must say that I have no clear recollection of him.

Q. The Prosecution has submitted a document where the monthly salaries of Dr. Vetter are listed. Did you have any influence on the fixing of these salaries or do you know anything about it?

A. I cannot recall that the specific case of Vetter was submitted to me at the time but in general I was competent for a settlement of the salaries of all persons employed in the sales combine and Dr. Vetter after all was a member of the scientific department which as far as organization was concerned was a part of the sales combine. After I had knowledge of this Prosecution Exhibit I have been able to ascertain that the salary of Dr. Vetter was quite in line with the general regulations and you, counsel, have also submitted a document with regard to that question.

Q. Now, the Prosecution has submitted three exhibits dealing all with the testing of typhus vaccine in Marburg. In this connection it is mentioned on one occasion that you, Herr Mann, paid a visit to State Secretary Conti. It is supposed to have taken place on 23 September 1941. What do you know about that visit, Herr Mann?

A.- This visit I do recollect quite well. In other connections we have repeatedly heard about the enormous danger of typhus prevailing during the latter months of the year 1941 all over Germany, and which threatened to cover the whole area of Germany. In several large areas of the East, extensive epidemics had occurred which were being dragged to the west by the soldiers, furloughers and prisoners of war, and so on and so forth.

Now shortly before Christmas, the Chief of the Serum Department Behring Works Mr. Zahn requested me to use the occasion of a trip to Berlin to discuss with him the situation, and during that talk he informed me that the Government of the Government General, had approached the Behring Works, or the Behring Works Department of the I.G. with the request to set up a typhus institute in the area of the Government General, that is in Lemberg.

At that time Mr. Zahn had some misgivings about that Institute because he considered that in view of the considerable expense no economical value, with rentability, would exist. After Zahn told me about those plans, and in view of the very serious danger of typhus epidemics, I told him that in view of such a circumstance against the question of rentability, the question of rentability would have to be put aside, and on my own initiative I went to the Reich Ministry of the Interior, to an expert in the department, Mr. Grunwald, with whom I discussed things in view of the medical law which was being prepared, and Mr. Grunwald then called me to go to Mr. Conti with him right away.

JUDGE MORRIS: Dr. Berndt, your witness has just referred to Prosecution Exhibits. You did not mention the exhibit numbers, I don't believe. It makes it far easier to follow the testimony in the transcript, if you mention exhibit numbers, because we may want to look at those in connection with the testimony.

DR. BERNDT: Your Honors, I can state these are Exhibits 489, 1606 and 1607.

JUDGE MORRIS: Thank you.

BY DR. BERNDT:

Q.- Now what discussions did you have during this Conti visit?

A.- First of all I stated to Mr. Conti that basically speaking, our firm would be ready to take the request into consideration in view of the great dangers, and for the rest I used the opportunity to point out to him the vaccine which was being produced at the Behring Works at Marburg. Mr. Conti stated that it was his intention to call a meeting with regard to that question during the following days, where a decision should be taken concerning the whole of the problem.

Q.- How did this matter further develop?

A.- The order was then issued that an Institute should be set up at Lomborg.

Q.- And who gave the order?

A.- The Administration of the Government General.

Concerning the situation of the technical part I did not hear much, but I was kept informed currently concerning questions dealing with the commercial part, as for instance, prices, and shipments, delays in delivery, and so forth and so on.

Q.- Thank you, that will do. The Prosecution have submitted an Exhibit 1606 where a report is made concerning a meeting in the Reich Ministry of the Interior, and mention is made there of a large scale attempt and experiment to be made with typhus vaccines. The vaccine was to be delivered by the Marburg Institute. What was your idea of such a large scale experiment?

A.- My first statement should be that I had knowledge of the fact that there was a controversy between Professor Gildemeister for the Robert Koch Institute on one hand, and the Behring Works on the other. Both had produced

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JUDGE LORRIS: Thank you.

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A.- My first statement should be that I had knowledge of the fact that there was a controversy between Professor Gildemeister for the Robert Koch Institute on one hand, and the Behring Works on the other. Both had produced

vaccines and the question was what vaccine should be the most efficient. I personally considered it quite natural that by applying these vaccines in practice, it should be ascertained what vaccine was the greatest protection against typhus. Such large scale experiments I know from other fields, for instance in combatting leprosy, malaria and diphtheria, and where we just had brought a protective vaccine on the market, which had to be tested in this way first.

I did not find anything extraordinary in that.

Q.- Had you any knowledge or did you hear any rumors about the fact that concentration camp inmates were subjected to experiments against their will?

A.- I never heard anything about it.

Q.- I don't know whether you have that document there, but I would like to put to you Document NI-14159, which is Prosecution Exhibit 1867, which is a report made to you by Herr Zahn, and also directed to Director Brueggemann. This report is dated 20 January, 1942 and refers to a report made by one Neumann, a report which you will find in Exhibit 1866. Can you recall that matter, Mr. Mann?

A.- I have seen this exhibit now, and I recall that I received that report of Neumann. What I see here now is a report which has a sixth page, which apparently was not part of Neumann's report originally.

Q.- But how did that 6th page come into the document?

A.- That is still an open question which is to be decided here on the strength of the objection raised by Dr. Nolte. I have seen the report by Neumann and I do not know personally why it was submitted here; what was the purpose of the Prosecution in submitting it.

Q.- On Exhibit 1865, that is the report of Zahn, I find a note made by you which reads, "Read with greatest interest and approval." Now what does your "interest and approval" refer to?

A.- The interest referred to the fact that I saw from the report that the work at the Lomborg Institute was progressing, and my approval referred to the commercial part which I was concerned with, - namely, the suggestions or prices and packaging matters, and so on and so forth. I mean those were questions subject to my competency.

Q.- Well, witness, I now have another document here which is NI-14037, which was introduced by the Prosecution as Exhibit 1868, a letter of the Sero Bacteriological Department to Herr Mann, signed by Zahn. This letter as the photostat shows also bears your initials, and a file note is attached to this letter. The file note concerns a Typhus Vaccine Conference at Marburg. It is Document NI-14038, but as far as I could ascertain, it was not introduced as an Exhibit by the Prosecution.

How do you recall that file note, witness?

A.- Dr. Berndt, I do not have that document.

Q.- All right. I will hand it to you.

A.- This is a document to which a small covering letter is attached. The covering letter bears my name. I had seen that document, yes, yes. Dr. Nelte had showed it to me. I initialed it. And it becomes apparent from the document that it is a file note concerning a conference at Geheimrat Otto's office.

Q.- Who was Geheimrat Otto?

A.- He was the director of the State Experimental Station for Serum at Frankfurt-on-the-Main. I had no direct connection, substantially speaking with those matters connected with research. However, the questions of state testing were of interest to me as a commercial man, insofar as the establishing of the testing fee was a matter which we had to settle, and which we had to know about in connection with the establishing of the price, and therefore, we took an interest in the matter.

Q.- Herr Mann, this would bring me to the end of my examination. Now you still have the opportunity, if there is anything you would like

to ask or to explain to the Tribunal, to do so. Do you want to use that opportunity? Is there anything you would like to explain to the Tribunal still?

A.- The only thing I could say is that I have screened all of the Prosecution's Exhibits very conscientiously, and that I think that through your examination I have explained my view with regard to all of the Prosecution's exhibits and I have nothing to add.

Q.- Well, then I can add one thing on my part, that wherever we have not made any statement, it is no admission. I think we both agree on that fact.

A.- That is a question which is in good hands, - in your hands Dr. Berndt.

DR. BERNDT: Your Honor, I have no further questions.

THE PRESIDENT: Gentlemen of the Defense now have any of you any questions to ask the defendant Mann while he is on the stand?

DR. NELTE (Counsel for Hoerlein): Your Honor, I have only one question.

DIRECT EXAMINATION

DR. MANN

BY DR. NELTE:

Mr. Mann, while you were on the witness stand you have expediently used two or three hours to give the preliminary history, the conclusion and the carrying out, and also the consequences of the agreements which the I.G. Farben had concluded with Rhone-Poulenc. Did you speak about those matters in such detail also in the Vorstand, and in the Pharmaceutical Main Conference, where you made a lecture with regard to the matters?

A.- That was impossible, Dr. Nelte. It was impossible to make a report, with so much details, because this report has taken up several hours. Even here, in spite of the fact that it was already condensed very strongly here, I haven't been able to report by far all that I could have said, because I didn't want to take up the time of the Tribunal any longer. Within the Vorstand or during the Main Conference, of course, it was quite impossible to speak of those matters at such length. That I testified here, Dr. Nelte, covers, after all a period of about a year and a half and it would have meant that I would have had to use almost every Vorstand conference in order to speak an hour or an hour and half concerning the further development of the affair and therefore I can answer that by a very good example. The speech which I gave in the Vorstand concerning Rhon-Poulenc could only have been the result of the negotiations which I have made on my own initiative. I had no possibility of giving the person present a possibility to judge all the various stages and terms. That was a question where my colleagues put their trust in me.

DR. NELTE: Thank you very much.

THE PRESIDENT: Anything else? Anything else from defense counsel?
Do you have something, Counsel?

DR. TIERCK: Your Honor, when Document Book V was submitted I pointed out to the Tribunal that with regard to the document 441, Exhibit 271, in Document Book V on page 112 in the German, that there is lack of clarity, an ambiguity with regard to the translation. Now, stipulating with the prosecution, I ask that the following correction be made in Document 271, Paragraph 3 of the document, third line. It can be seen in the translation "A price which would have to be spent." It should read, Your Honor, "The price which will have to be spent."

THE PRESIDENT: Now, does the Prosecution accept that formulation?

MR. SPRECHER: Yes.

THE PRESIDENT: Very well.

MR. SPRECHER: Do you have the page?

THE PRESIDENT: Yes, we have it now. Anything else? Anything further from the defense? If not, the Prosecution has 25 minutes before adjournment for your cross-examination.

CROSS-EXAMINATION

BY MRS. KAUFMAN:

Q.- Mr. Mann, you testified on Thursday that your Exhibit 141, a circular letter dated 29 March 1933 was sent to your representatives in 75 countries of the world. You stated in that letter that the Nazi seizure of power was a victory which will benefit not only Germany but all civilized peoples of the world. Did you also include in this category of civilized peoples of the world the millions of persons who did not fall into the Nazi definition of Aryans?

A.- May I ask you whether that is contained in, or supposed to be contained in Exhibit 525?

Q.- I am referring to your Exhibit 141, which is your document No. 525, and if you glance at the first paragraph you will see the statement which I have just referred to.

A.- Well, it later says that the present German Government may claim for itself that in the struggle against the enemy of the whole world, the Bolsheviks, it has achieved a victory which will not benefit only Germany but all civilized countries of this world." That is what I read here.

Q.- Now my question to you, Mr. Mann, is did you included in this category of civilized people of the world, the millions of persons who did not fall into the Nazi definition of Aryans?

A.- Yes.

Q.- Now, you also stated in this letter, your Exhibit 141 and I quote, "As Germans, we have the obligation to declare solemnly to you that

all the news that come out abroad concerning the mistreatment of politicians of the opposition and Jews are absolutely without basis. The personal security of everyone in Germany is guaranteed in every respect and no harm is committed against anyone neither against political adversaries nor against the Jews." You know, did you not, when you joined the Nazi Party, that the official Nazi Party program with reference to the Jews providing for the elimination of the Jews from the economic life of Germany?

A.- I cannot recall that in 1933 one could see that from the Party Program. I do recall we had limitations, ideas of limitation, contained in the Party Program, but at the time when this letter was written, I had no knowledge of any definite action taken against Jews and I do not think that in 1933 any action was taken.

Q.- Do you recall that in the beginning of April 1933, the German Government instituted the boycotts against the Jewish enterprises in Germany?

A.- I do recall that in some regions of Germany an attempt was made to initiate a boycott, but I think that I am correct in my recollection that in general this attempt failed. It didn't find any response in the German people.

Q.- Do you recall at that time measures were taken to eliminate the Jews and political opponents of the Nazi regime from jobs with the government about that time?

A.- I heard of individual incidents there, yes.

Q.- Now, this letter from which I have been quoting, which is your Exhibit 141, was the one which you urged your agents to publicize abroad, isn't that so? Have you understood my question?

A.- I understood your question completely. In direct examination I have already testified that this very circular letter should be considered as an expression of my good faith and I would like to see it considered that way. At the time I was convinced that the excesses mentioned here were in-

dividual instances and the reason why I issued such a circular letter at all and sent it was in itself a merely commercial one.

Q.- May I interrupt you, Mr. Mann?

A.- Because I thought --

Q.- And suggest that you answer the particular question I am putting to you and that is, did you request your agents to publicize the contents of this letter abroad?

A.- No, not to publicize.

Q.- As a matter of fact, the contents of the letter were publicized in various newspapers abroad as a statement of Bayer of I.G. Farben's attitude towards the Nazi seizure of power, isn't that true?

A.- I have no personal knowledge of that.

Q.- In this connection, I should like to introduce as Prosecution's Exhibit 2091, a document marked MI-15069, which is a copy of a letter referred to in Prosecution's Exhibit 780 and which is described as a letter which had been published in the press in Chile and in other places. Now, you testified concerning another circular letter, which is Prosecution's Exhibit 782, which you sent to your representatives abroad at the end of 1933. In this letter you stated and I quote, "The Government stepped in and cleansed the country with an iron hand. Peace and quiet was established and everyone could attend to his affairs without fear for life and property." Do you know of any other German firm which sent out letters of this type for publication concerning political conditions in Germany which were sent to as many representatives abroad as did I.G. Farben.

A. I would like to answer that question of yours by saying that it was not customary for the various firms to exchange their business correspondence with each other, and as far as the circle of recipients was concerned, it was strictly limited to those who were concerned with it, that is, our agents abroad. But it is written that they inform our customers and all personalities of the opinion we held in 1933. I don't know whether it was a capital crime, that our agent would publicize that letter in the way we desired him to. Besides that, there is one decisive sentence in there, namely that we were convinced that the measures against Jewish enterprises were only temporary measures. This statement is in this letter also even if its not contained in the exact wording but at least in its meaning, and by that I can show that we considered these abuses only temporary -- at least, I myself, did.

Q. Mr. Mann, this particular letter was sent at the end of 1933. That is true?

A. 1933.

Q. Now, you testified on Thursday that in the first years under the Nazi leadership, you were satisfied with the achievements of the Nazi Party and that later you became disillusioned. You did not give any time when this disillusionment came about. Can you take particular major events in the development of the Third Reich and tell the Court when you became disillusioned with respect to them?

A. First of all, I would like to answer the introduction of your question. Even at the beginning, I found fault with some of the things, and from the very beginning I objected to certain points of the Party program; however, I have admitted here that during the first years, on account of the particular misery in Germany and on account of circumstances which are very difficult to judge for a foreigner I was actually of the opinion that National Socialism at that time was the only possibility of saving Germany; that my political attitude changed as time went on, I have already explained also. It is true that I never gave up my optimism, that is until the very period where you had to recognize that

a change in policy could not be thought of anymore. I haven't given up my optimism as long as I believed that by influence from the interior or from abroad, a change in some respects could occur and would occur. To give you the exact date as to when I quite suddenly changed my inner attitude, that is very difficult.

Q. Well, can you tell me when you gave up your optimism?

A. I gave up my optimism on that November day in 1938 when the terrible actions, which I think is known to all persons present, took place, and I was particularly shocked at the outbreak of the war because I had complete faith in the peace promises.

Q. I am sorry, but did I get your date correctly? What was the year that you just gave?

A. November 1938.

Q. Now you testified that you never attempted to influence the political life of your representatives and employees or to influence them to join the Party. In that connection, I want to refer your attention to Prosecution's Exhibit 129 which you testified you sent to all of your representatives and employees or to influence them to join the Party. In that connection, I want to refer your attention to Prosecution's Exhibit 129 which you testified you sent to all of your representatives in the 75 countries abroad. Now that Exhibit states, and I quote from Prosecution's Exhibit 129, which is in its Document Book V on page 170, "You, as well as your collaborators, should again and again make all endeavors to support official Party agencies in their work abroad. This does not mean that each individual should only develop a positive mental attitude towards the present regime, but he should also, as far as possible, become a member of the Party organization and contribute, to the best of his ability, to Party welfare institutions." Now, Mr. Mann, what did you intend your hundreds of employees to understand as to Farben's intention with respect to this statement I just quoted?

A. Unfortunately, I don't have all my document books here for it is a little bit difficult to have all the documents here, but I think 129 —

that is that Roman letter, isn't it?

Q. You identified it properly.

A. And that was 1938, wasn't it?

Q. This was, I believe, in February of 1938.

A. I can answer your question, that not a single one of the persons who received this letter understood the letter differently than it was meant.

Q. I would like to quote the following statement from this same letter, "We consider it as a matter of course that apart from each individual being prepared to render service, our foreign offices should also place themselves fully at the disposal of the German cause." This sentence immediately followed the preceding one. Now what did you intend your representatives to understand by that sentence as to your intentions?

A. Our representatives were to understand that they should make efforts for the German cause. They were responsible for the sale of Bayer products, and I made it a point that our sales organization throughout the world should not let anybody interfere too much by influencing them politically, and particularly the agencies of the foreign organization. Substantially speaking, I am only repeating here, because I have already explained my view to Document 129, therefore I can only state again that we issued that circular in 1938 for quite different reasons than the circular letter of 1933. Between these two circular letters, there is the change in our conception. In 1938, as I have already said — that was the time when I had already understood that we had nothing very good to hope for any longer — but at that time, the power of the foreign organization was already so strong that a fight against it was absolutely senseless, and reason compelled us to say to our people, "Avoid all friction with Party agencies. Take a positive attitude."; that means, don't give them any reason to raise disputes and discussions. Now the inner attitude of the individual

person was always for us a matter of personal decision for every individual. I made no propaganda, no political propaganda which was intended to influence the individual.

Q. Now you referred to a difference in your attitude between 1938 and 1933. Isn't it true that as early as 1933 you sent circular letters abroad requesting your employees to support the offices of the foreign organization of the Nazi Party?

A. Well, that would be quite in line with my optimistic attitude of 1933. That is only proof of the conception that I had at the time, which I have described here.

Q. In that connection, I should like to introduce Document NI 8418 as Prosecution's Exhibit 2092. Now, concerning Verbindungsmaenner, didn't you refer --

A. Might see that document?

Q. I have no questions to put to you concerning that document, Mr. Mann.

THE PRESIDENT: The defendant is entitled to see the documents that are introduced in evidence against him. See that he has a copy.
BY MRS. KAUFMAN:

Q. May I ask you another question, Mr. Mann? Concerning Verbindungsmaenner, didn't you refer Nazi Party officials to your Verbindungsmaenner abroad for whatever assistance they could give them?

A. Just a minute, May I draw the attention of the Tribunal -- it is only four lines here -- it would lose the time of the Tribunal only if there was a redirect examination with regard to it, because I can answer that letter right away. It is only a few lines. I ask the Tribunal's permission.

THE PRESIDENT: Perhaps the Prosecution is not interested in it for purpose of cross examination, and it is not important for us to presuppose what their purpose is. I say to you, Mr. Mann, you have and your counsel have that document. If there is some proper explanation or testimony that you wish to give with respect to it, you will be

3 April 48 ~~A SW 24-5~~ Gaylord (Troidell)
Court 6, Case 6

afforded an opportunity to do so. Counsel has said that she is not interested in asking any questions about it. Lay it aside for the time being and later on you can testify about it.

BY MR. KAUFMAN:

Q Do you recall --

THE WITNESS: Your Honor, I apologize, but there must be a mistake, otherwise I wouldn't insist here and wouldn't take the liberty to address the Tribunal, but there must be a mistake made here because in this document it is just said what I am stating now, that our business interests were not to be brought into the political field, and that is not in line with the question put by the prosecutor and certainly not with the purposes.

THE PRESIDENT: Well, it is entirely possible that the Prosecution is trying to substantiate what you said, Doctor. We are not concerned about it.

BY MRS. KAUFMANN:

Q I am going to repeat my question. Concerning Verbindungsmaenner, didn't you refer Nazi Party officials to your Verbindungsmaenner abroad for whatever assistance they could give them?

A I am afraid that I haven't quite understood that.

Q Did you refer Nazi Party officials going abroad to your Verbindungsmaenner abroad for whatever assistance your Verbindungsmaenner could give to these Nazi Party officials?

A You mean state officials or officials of the Foreign Organization?

Q Officials of the Foreign Organization of the Nazi Party.

A I personally have no knowledge of any such instance but I think that it is quite possible within the framework of the policy of a certain reconciliation which I have already outlined.

Q Now, you testified that after Munich you expressed your joy during a meeting that the danger of world war was removed by the Munich agreement. At that time who did you think had called the immediate danger of a world war just before Munich?

A I am not a politician, and I certainly couldn't decide that. It is a question which is still disputed by many scholars even today.

Q Now, you stated on Thursday that misfortune saw to it that your Bayer works, that until 1933 had a peaceful and successful course, fell into a period of time which by the dictatorship of the Third Reich and its inhumane laws and measures, came into clear contradiction with the aims and the work of Bayer and your life. When did you first realize this alleged contradiction?

A When the war broke out. The work, for which I had worked all my life, had been destroyed. My password was not to inflict wounds but to heal them.

THE PRESIDENT: Just a moment, I think under the promise we made you it is time to recess, in the absence of a unanimous consent to your request that we continue until a late hour.

MR. SPRECHER: Mr. President, there were about three questions and Kaufmann wanted to go away over the week-end. Would it be all right with you if I continued on this same question?

THE PRESIDENT: No, if she has only three or four questions we will permit her to complete her examination.

MRS. KAUFMAN: Thank you.

BY MR. KAUFMAN:

Q During the examination of the defendant Schneider the Prosecution introduced Exhibit 1904 which consisted of minutes of a meeting held under the chairmanship of the defendant Schneider in Frankfurt on the 2nd of May 1941 concerning cooperation between the OKW Abwehr and Farben in obtaining intelligence from abroad. Now, this exhibit records certain measures which were agreed upon at the conference, one of which was that Farben would refer to the Abwehr its representatives who were going abroad to carry out special missions for the Abwehr. Did you participate at any Farben agency or committee meeting which adopted or approved this measures?

A I would ask permission to read the Exhibit 1904.

(The witness was handed Exhibit 1904.)

BY MRS. KAUFMAN:

My question is, did you participate at any Farben agency or committee meeting which adopted or approved the measures indicated in that exhibit?

A I did not attend this meeting. I never received the document. In my field of activity I was not competent for dealing with those questions, and the only thing I can see when I glance through this document is that it says here that in the future members of the Spartes and sales combines, as other drafts of individual sales departments, are to be covered. Now, on the part of the sales combine Bayer such reports were not made, and I have to point out again the exceptional case Kettnitz which I have already described in direct examination.

Q Now, in that connection I want to read to you a very short excerpt from the minutes of the commercial meeting of July 8, 1941, Prosecution's Exhibit 370, which states under the heading "Mobilization Questions", "Dr. von der Heyde reports on the conference which took place on the 2nd of May 1941 in Frankfurt under the chairmanship of Christian Schneider. The measures agreed upon in this conference are approved by the commercial committee." Does that refresh your recollection that you participated in a Farben meeting approving the measures I referred to?

A I know for certain that the contents of this letter were not submitted to the KA meeting. I think that my recollection is quite clear, namely that Herr von der Heyde quite generally speaking reported on this meeting to the effect that a certain cooperation was to be brought about because at any rate we could not avoid complying with those wishes because what was called "desire" or "wish" at that time was in reality already an order, and I recall also that Herr von der Heyde then said that if there are individual cases he could contact the sales combines, or vice versa the sales combines would contact him or the agency - I don't know what agency, I am not quite sure, but at any rate the agency mentioned here. The contents submitted I see for the first time today.

3 Apr 48-A-FJC-25-4-Hoxsie (Treidell)
Court VI Case VI

MRS. KAUFMAN: That will be all.

THE PRESIDENT: The Tribunal will now recess until nine o'clock
Monday morning.

(The Tribunal adjourned until 5 April 1948 at 0900 hours.)

Official Transcript of Military Tribunal VI, Case VI
in the matter of the United States of America against
Karl Krauch, et al, defendants, sitting at Nurnberg,
Germany, on April 5, 1948, Justice Snake presiding.

THE MARSHAL: Persons in the Courtroom will please find their
seats.

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States
of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, will you ascertain if all of the de-
fendants are present in the Courtroom?

THE MARSHAL: May it please Your Honor, all of the defendants are
present in the Courtroom, save the defendants Latenschlaeger, Haeffliger
and Ilgner, absent due to illness, and the defendant Duerrfeld, absent
excused.

THE PRESIDENT: Have you any announcements, Counsel?

DR. KRAFT, for Dr. Achenauer counsel for Gattineau: Your Honor, I
ask that the defendant Gattineau be excused this afternoon, and also on
Wednesday, the whole day, in order to give him the possibility to pre-
pare his defense.

THE PRESIDENT: That request is now granted. Dr. Boettcher.

DR. BOETTCHER: Counsel for Krauch: Your Honor, I ask that Dr.
Krauch be excused for Wednesday and Thursday in order that he could
further prepare his defense.

THE PRESIDENT: Very well, that request is granted also.

The Prosecution may continue with its cross-examination of the de-
fendant, Mann.

BY MR. NEWMANN:

Q. Mr. Mann, you testified with reference to our Document 1269.
These are minutes of your meeting with representatives of Rhone-Poulenc



on November 29, 1940, which is our Book 59, German Page 87 and English page 55. You particularly referred to the introduction of the Minutes according to which you acted on order with and the approval of the German Government.

Now did I understand you to testify that that passage in the minutes is not correct, and that you had no directive from the Government referring to the Rhone-Poulenc case?

A. During the preliminary negotiations with Faure-Beaulieu, who had taken over the intermediary negotiations, and during the conference on the 29th of November, in the afternoon, when I met Mr. Buisson, President of the Rhone-Poulenc firm, I described the situation to these gentlemen in such a way as I thought I saw it at that time with regard to the measures taken by the German government.

I told these people that according to the publications with regard to the integration of economy which was being aimed at, and also in accord with publications and speeches, part of which have been submitted here, I sort of wanted to transmit the opinions to them because it was my view it would be desirable to bring about an agreement on the basis of private economy before any details were known of government decrees in this direction, in order to use our agreements to bring about a sort of an accomplished fact.

Q. Now is Exhibit 1269 before you? Otherwise you will be shown another one.

A. I have it here, Mr. Prosecutor, I have it.

Q. Now if you please, turn to the first full paragraph of page 3 of the mimeographed copy before you, which is the first full paragraph on page 2 of the English copy, where it is said: "Mr. Mann announced therefore that he must return his assignment to the German government as a failure and he hinted that the French side might later on regret" and so on.

Now is it your position that this passage in the minutes is again incorrect?

A. It does not render the statement exactly as I made at that time. The effect of what I said was actually that if we could not bring about an agreement between ourselves, then possibly the circumstance would arise, which I personally would regret, and which I personally thought I had to anticipate, in view of the Government decrees issued. However, I would like to supplement that statement by saying that on the afternoon of November 29, this very question had been discussed with President Buisson, and Mr. Buisson and myself had agreed that he himself should or would not attend this meeting.

Q. Now Mr. Mann, you have answered. The author of these minutes was Dr. Werner Schmitz of your Leverkusen office who attended the meeting; is that correct?

A. Yes.

Q. Did you object at the time to the wording of these minutes by telling Werner Schmitz that he misquoted you?

A. Probably I saw the minutes sometime after the meeting. I made no comment because in the meantime, the negotiations had already found a mutual basis of agreement.

Q. Now you will be shown a statement of March 31, 1947, which is NI 7991, and which will become our Exhibit 2093. Now this is a statement you sent to the Prosecution on your own volition, after your first interrogation in Nurnberg. I refer you to page 2, No. 2, of the German mimeographed copy before you, which is also page 2 No. 2 of the English copy. Particularly I refer you to the following words: "I said, "that means to Rhone-Poulenc, "I could not avoid the instructions of the German authorities, as they stood".

My question is, if this statement is also erroneous on the point of any assignment you had from the German government?

A. Mr. Prosecutor, I am reading here, and I am noticing that you have read only the first sentence. I think this very wording I put down at the time is only a confirmation for what I answered to your first question, namely, the request by the German government I understood, the

general summons which the German Government, at that time, had addressed to the industrialists, but I would like to add all the same, - I did not understand your interjection.

Q. You answered my question. Now as to the general government instructions, your counsel submitted and you referred to Goering's order, which is your Exhibit 195, and this is your Document Book 4, page 41 of the German. Goering's order of August 2, 1940, was this one of the general Government directives that you are referring to?

A. At the time I did not know the document, but in the sense of these statements, the Government agencies at that time issued decrees, the detail of which cannot be produced today, and what I meant to show by that was only, - and it is in line with testimony made before this Tribunal by other persons, - that at that time the German Government pursued that policy against France on principle.

Q. Did you know in 1940 that this order by Goering did not cover France according to its context and its accompanying letter?

A. Whether this one document in particular does not cover France, I could not say because after all I did not know the document, but I do know for certain that the publications concerning the mobilization of economy, meant France and Belgium as the first countries taken into consideration.

1. Now your counsel introduced your Document Exhibit 202, which is your Book 4, page 54. That is excerpt of an entire document, and we would now like to introduce the entire document, which is our NI 9265, and which may go in evidence as our Exhibit 2,094. This, Your Honors, is on the question of the initiative taken by this defendant in the Rhone-Poulenc case.

Mr. Mann, we have submitted the minutes of the first discussion between Faure-Beaulieu and Rhone-Poulenc of October 8, 1940. This was our Exhibit 1265, our book 59, page 26 of the English, and 35 of the German. According to the minutes you took the position that concerning Aspirin, Rhone-Poulenc had caused you great damage for which it was now fully responsible.

My question is, isn't it true that before the war, one of your agreements with Rhone-Poulenc particularly referred to Aspirin?

A. No, that is in error. There was no agreement concerning Aspirin.

Q. Was not your price-fixing agreement between Rhone-Poulenc and Bayer concerning Aspirin?

A. No, Mr. Prosecutor, that is an error. You are mixing that up with the chemical acetyl salicylic acid, that is the chemical basis, but it is not connected with Aspirin, as a specialty, and as for Aspirin Rhone-Poulenc was completely free.

Q. Now is it true that before the war there was an international convention in force referring to Aspirin, to which both Rhone-Poulenc and Bayer were parties?

A. That again is an error, Mr. Prosecutor. This international convention was also with regard to acetyl salicylic acid, and it has nothing to do with the specialty, the final product, which was sold with the trademark "Aspirin". They are two things different from one another.

Q. Now you will be shown our NI 14495, which is your interrogation of March 28, 1947, which will become our Exhibit 2095, and if you will please turn to page 3 of the mimeographed copy before you, which is also

page 3 of the English, then I will read one question and one answer:

Q. What agreement did you have with Rhone-Poulenc as regards Aspirin?

A. As regards acetyl salicylic acid, that is the chemical name for Aspirin, there was an international convention to which both Rhone-Poulenc and Bayer were parties as well as some English and other German firms. This agreement provided that the French market should belong solely to Rhone-Poulenc, whilst in other fields quotas were established in a quota convention."

A. There is a mixup again of two things. By my answer I wanted to explain to you that it is true that there was no agreement for Aspirin, but that for the basic matter, namely acetyl salicylic acid, there was an international convention.

In fact, I would like to make it quite clear here, as can also be seen from the Prosecution documents, we submitted an agreement with another firm from which it can be seen that we had the privilege to sell Aspirin freely in France.

Q. Now, Mr. Mann, isn't it true that up to 1940, your entire pharmaceutical business in France, including Aspirin, resulted in no profit at all?

A. Well, in such a general way, that is wrong. It varied considerably. We would have years where we had losses, but there were years too where we had profits.

Q. Now you testified on Friday that there were four agreements in force between Rhone-Poulenc and Bayer when the war broke out. The first one, you stated, referred to the product Germanin. You then said that these agreements, I quote, "were fully incorporated into the new license agreement, the so-called Agreement No. 1".

Did you mean to testify that in connection with Germanin, Bayer went on paying royalties to Rhone-Poulenc as provided for under the old agreement?

A. After all, I have reported that at the time there was agreement

of the French concept with the opinion of the German Government that with the outbreak of the war, the pre-war contracts were considered null and void. That was absolutely valid for Rhone-Poulenc, because Rhone-Poulenc would have had to pay us 9.5 million, and we would have had to pay 500,000 Francs, on the strength of that German treaty. Therefore, the advantage was complete on the side of Rhone-Poulenc. If we had gone on to pay the 500,000 Francs, then Rhone-Poulenc would have had to pay us also the 9.5 million. This bargain also worked in favor of Rhone-Poulenc.

Q. Did Rhone-Poulenc go on paying royalties to you?

A. No, on the contrary, Mr. Prosecutor, we submitted a document where it is proven that the payments which Rhone-Poulenc had normally to make to us, under the admission that the contracts were still valid, - that these payments between the beginning of the war, and the beginning of the new treaty, were simply stricken from the books in favor of Rhone-Poulenc.

Q. As to the second contract of March, 1941, you said on Friday that this is a core of all of the agreements with Rhone-Poulenc. In this connection I have two questions: First, did, under the second agreement, Rhone-Poulenc, ever receive any royalties from Bayer?

A. May I look that up in my files, for a minute.

Mr. Prosecutor, I understand your question to be whether Rhone-Poulenc received royalties from Bayer. The preliminary requisite would be that on the strength of Agreement 2, Rhone-Poulenc placed at our disposal new preparations which would have been covered by that agreement No. 2, or would have offered these preparations to us. Now Rhone-Poulenc did hand some preparations over to us in order to have them tested also in our facilities, and in order to prepare the marketing of the product.

That was also the reason why these gentlemen came to Elberfeld and Hoechst. However, the marketing itself was not carried out, and therefore no obligation to pay arose, but that, of course, was not our fault, but caused simply by the fact that Rhone-Poulenc did not invent any new preparations.

Q. Now is it true that during the 3-year lifetime of the contract that Rhone-Poulenc never used more than 2 or 3 Bayer products?

A. An exhibit has been submitted by counsel, which is a document drawn up by the director of the Scientific Department of Leverkusen, where all products are listed which we offered to Rhone-Poulenc, and of these products, Rhone-Poulenc chose those which were of interest for the firm.

Q. Now my question only is, were there more than two or three products which Rhone-Poulenc took up under this agreement?

A. From 10 products offered to them, which were brought out during the treaty period by our laboratory, Rhone-Poulenc chose three products.

Q. Now your testimony concerning Theraplix really takes up with the affiant on whose affidavit you relied when we cross-examined them. Therefore, I have only two or three questions.

Your counsel submitted, as your Exhibit 249, that is in your Document Book 5, your page 71, a letter written by Sopi, your Paris Branch, to Bayer on January 20, 1942, and enclosed with this letter is a file note.

Now before I phrase my question I would like to put the record straight, if Your Honors please. Defense counsel has agreed with me that the English translation of this French document should be corrected in one point. If your Honors will please turn to page 72a in Mann's Book 5, the first half of this page 72a, No. 4, Book 5, Your Honors will find No. 4.

There Your Honors will find No. 4: "It is necessary that for F-B i.e. Faure-Besaulieu, pays in his shares of 2 per cent at par value as he may be forced--" And now please insert the following five words: "independent of his own will." So that No. 4 now reads, "As he may be forced independent of his own will to give up his shares at any time not determined by him." Now, Mr. Mann, my question is this: can you tell us what kind of an agreement this was under which Faure-Besaulieu could be compelled to assign his two per cent share in Theraplix independent of his own will.

A. Yes, I can answer that question with great precision even. You're speaking of Document Mann 441, Exhibit 271, a letter which Faure-Besaulieu sent to Bayer, 27 April 1942, and it's also contained in Document 42, which would be Exhibit 272. It is a letter of Monsieur Faure-Besaulieu to the firm of Rhone-Poulenc of 5 May where he confirms the same thing. I think that I have testified here already that the agreement was that Mr. Faure-Besaulieu should give them up, in case he resigned as administrator with the Theraplix or in case he died, and offer these shares to the two firms whereby there was an agreement that the new owner had to be a Frenchman in any case. Now as Mr. Faure-Besaulieu--or maybe I can withdraw that--now in order to see to that Mr. Faure-Besaulieu would not have any losses on account of decline of the exchange rate, the shares should be taken over on par.

Q. That answered my question. Now, is it your present position that Rhone-Poulenc knew or did not know at the time about the fact that Bayer had paid the one million francs for Faure-Besaulieu's two per cent shares in Theraplix?

A. At that time they weren't even paid, Mr. Prosecutor.

Q. Whenever they were paid, even before or after this time, did Rhone-Poulenc know that this was your one million francs which were paid in?

A. This million francs had nothing more to do with the matter of the ownership of the two per cent from that moment onwards, when Monsieur Faure-Besaulieu refused to hold the two per cent on behalf of I.G. Farben

as had been agreed with Rhone-Poulenc--

Q. Herr Mann, please try to answer my question. Did Rhone-Poulenc know at the time that the one million francs was paid by Bayer rather than by Monsieur Faure-Berulieu? Had you advised them of this fact?

A. I saw no reason to inform them about a private payment made to Monsieur Faure-Berulieu in view of his efforts for negotiations.

Q. Now, your Honors, in conclusion, I would like to introduce three documents: First, NI-14498 which will go in as our Exhibit--Oh, I am sorry-- 14496, I mean, and the Exhibit No. is 2096. This is Mr. Mann's interrogation of March 28, '47. Then our NI-14500, which becomes our Exhibit 2097; and finally, Mr. Mann's affidavit of April 3, 1947, that is NI-14501, our Exhibit 298. The last document contains defendant Mann's affidavit covering the three preceding interrogations which are now before the Court. Since about 20 documents have been submitted by this defendant in connection with Theraplix, and since there is a number of representations referring to this very matter in these interrogations, we think it will be helpful to your Honors in weighing the testimony of this defendant and the evidence as a whole to have these interrogations before you. I have no further questions.

JUDGE MORRIS: One moment, counsel. I seem to be short your Exhibit NI-14500.

MR. NEWMAN: Oh, I am sorry, you will get another copy.

THE WITNESS: May I ask that the document be given to me, Mr. Prosecutor?

MR. NEWMAN: I also have copies for you, and they will be given to you.

THE WITNESS: Yes, but I have a statement to make in that connection.

MR. NEWMAN: Mr. Mann, your cross examination is finished on this point; but you will have ample opportunity of making statements in your redirect.

THE PRESIDENT: We have had incidents of this kind two or three

times. There is no use of being mysterious about this. When documents are distributed, it follows as a matter of course that the man on trial is as much interested in it as his counsel or co-counsel, and please make that distribution accordingly and let's have no controversy about that.

MR. HENMAN: Mr. President, we have 23 copies ready and they will be distributed. I understand that they have already been distributed.

THE PRESIDENT: Any further interrogation?

BY MR. MINSKOFF:

Q. Mr. Mann, did you receive reports of newspaper articles and speeches against Germany made by persons abroad from 1933 onwards?

A. I would say yes.

Q. Now in some of these reports, the institution of concentration camps was attacked rather strongly, isn't that so?

THE PRESIDENT: Counsel, you mean reports received by him?

MR. MINSKOFF: That is right.

THE WITNESS: Well, that I couldn't tell you any more today.

BY MR. MINSKOFF:

Q. You do recall having testified that you answered the charges made against Germany as far back as 1933 saying that they were false and unfounded, isn't that so?

A. In your preliminary question I did not refer to the year 1933, you see. I understood you to mean as from 1933.

Q. I did, and this question merely is --

A. But I couldn't know that today, and then I have to withdraw my "yes" on the previous question, because whether that was '33, '34, or '33 at the time when I had that attitude, then I cannot recall personally having read a report concerning concentration camps in the drastic form just described.

Q. In the last question, Mr. Mann, I was trying to find out whether when in '33 you had this letter sent to your people abroad saying that the reports against Germany as of that time were untrue, whether you had

investigated to find out whether or not they were in fact untrue?

A. I was firmly convinced that that was the fact.

Q. The question was, did you take any steps to find out, to investigate; not your feeling as to whether it was true or not. Did you do anything affirmative to find out whether or not it was untrue?

A. Well, as I had no reason to see that it was different from what I thought, I had no reason either to make investigations on my own initiative.

Q. Thank you. Now, Mr. Mann, you were in the United States about six or seven times between '33 and '39 isn't that so?

A. Yes.

Q. And during these visits particularly the last one, did you read the American newspapers?

A. Generally, I would read the morning newspapers.

Q. And did you read any American books describing conditions in Germany at that time, such as the "Berlin Diary"?

A. No.

Q. Now in addition to your trips abroad, Mr. Mann, your colleagues on the commercial committee, the defendants von Schnitzler, Schnitz and Ilgner, they also travelled in foreign countries and they reported to the commercial committee about conditions in those countries, and did you and your colleagues discuss the additional problems resulting from the anti-German attitude abroad caused particularly by the Nazi action against non-Aryans and other minorities?

A. All I can remember is that at the time when German merchandise was boycotted, about in 1934, there was a conversation about that matter, but who was there and what was the occasion, I can no longer recall. But I did talk with my own directors and we discussed the business consequences arising from that situation. I would even say we discussed them in great detail, and that was the reason too why we sent out these various circular letters.

Q. Mr. Mann, the newspapers which you read and subscribed to in Germany included the "Voelkischer Beobachter", the "Westdeutscher Beobachter" the "Frankfurter Zeitung", the "Deutsche Allgemeine Zeitung", and a periodical called "The Reich". Now it is true, is it not, that the "Voelkischer Beobachter" and the "Westdeutscher Beobachter" in almost daily articles advocated the extermination of the Jewish race with fire and sword?

A. I don't think, Mr. Prosecutor, that that was the case during the first years after 1933--at least I don't recall that. Of extermination, I don't think that they wrote that at that time.

Q. In the publication "The Reich", which you also read and subscribed to, that was the mouthpiece of Dr. Goebbels, was it not?

A. I couldn't tell you. All I know is that occasionally there would be an article written by Goebbels in it.

Q. Well, do you recall whether you saw extracts of commentaries from Goebbels' speeches in the periodical "The Reich", which called for the elimination and the mass destruction of the Jewish race as a means of solving the Jewish problem?

A. Doubtlessly, during a certain period, if I recall correctly this periodical "Das Reich"--it was started only pretty late--I would say in 1938, and I have testified already--can I go on?

Q. Please.

A. I have testified here that I became more and more aware that the measures taken by the Third Reich against the Jews took on more radical forms, and as I became aware of this, I, myself, broke loose more and more from the Nazis. In this very question--and I may express that here quite clearly and everybody can confirm that to you, if you care to ask him--I stood forward for everybody I could help, and I helped anybody I could help. Nobody ever approached me without success.

DR. TREIDELL: The prosecutor repeatedly referred to newspapers which Herr Mann is said to have read, and particularly to articles in the periodical "Das Reich" where the extermination program was publicly announced. I ask that the prosecutor produces and puts to the defendant this copy of the periodical and particularly these excerpts of articles.

MR. HENCKOFF: May it please the Tribunal, there have been a number of articles which the Defense has seen and which we included in our Document Book 89, which will not be put into evidence but merely identified. The question here merely was: does this witness recall having read those articles in the periodicals which he admits he did read -- articles of that nature.

THE PRESIDENT: The whole difficulty arises out of the fact that the prosecutor, in his question, assumed and stated that the defendant had read the articles, and we know nothing at to whether the defendant has ever admitted having read those articles. You say, "Now you read those articles. Now I am asking you so and so." Well that is not the way to prove a fact, and the witness ought to be afforded an opportunity first of saying whether he did read them, and then you can ask him what the contents were.

MR. HENCKOFF: I think there is a slight misunderstanding. The question was not that he had read those articles but that he had read those periodicals; that he has admitted.

THE PRESIDENT: Where has he admitted that?

MR. HENCKOFF: He has admitted it in his previous statement.

THE PRESIDENT: He hasn't admitted it here this morning. I don't know what the record may show in his previous statement.

MR. HENCKOFF: I had asked him the first question in the introduction, if Your Honors please, if he had

THE PRESIDENT: You didn't ask him that. You have said, "Now

you have read those papers, now I am asking you these questions." Now that doesn't prove a thing unless you ask him a question as to whether he has or unless you show he has read those papers.

MR. LINSKOFF: I will ask that question specifically, if it pleases the Court.

BY MR. LINSKOFF:

Q. Mr. Mann, is it true that you read and subscribed to the following publications: the "Voelkischer Beobachter", the "Westdeutscher Beobachter", the "Frankfurter Zeitung", the Deutsche Allgemeine Zeitung", and a periodical called "The Reich?"

MR. STRECHER: Mr. President, I feel called upon to say something which I have hesitated to say for a long time. We can't have in this courtroom, just because some of us have earphones on, remarks made by counsel which are so loud that they can be heard by people in the press, which has often been called to my attention, because if they can be heard by people in the press rows ...

THE PRESIDENT: Let's not argue. Make your objection and don't reprimand anybody. The Tribunal has charge of the order, and if you have an objection to make state it impassionately to the Court and we will permit it.

MR. STRECHER: I ask Your Honor to see that all counsel do not make statements which can be heard certainly by the witness, when they are passing information or requests back and forth.

THE PRESIDENT: That statement is correct, of course. We recognized a moment ago that two or three counsel were up around the microphone at one time, and we try to avoid those things. I think counsel for the defense understand how the courtroom should be operated. Now with reference to your question, get this thing straight. You have now asked him a double question: whether he subscribed to and read those papers. Get your question down simple. Find out whether he was a

subscriber to the papers and then whether he read them, and ask your questions. Then we can save a lot of time.

BY MR. KINSHOFF:

Q. Do you recall the names of the three articles I just mentioned, Mr. Witness? Did you read those periodicals?

A. I had subscribed to those papers, and according to whether I had leisure time or not, I would read one or the other of them.

Q. Thank you. You travelled in European countries during the year 1942.

A. Yes.

Q. 1943?

A. May I look that up because I don't remember. In 1943 I was once in Switzerland and once in the Balkans.

Q. 1944?

A. Once for a few days in Switzerland, in March.

Q. Now, Mr. Mann, in 1942--or may I say as a preliminary matter--May it please the Court, in the next three questions I make the affirmative statement that they all come from Prosecution Exhibits in Book 89, which the Tribunal is asked to take judicial notice of. In 1942, the United Nations issued a declaration stating specifically that "From all occupied countries, Jews were being transported in conditions of appalling horror and brutalities to eastern Europe. In Poland, which has been made the principal Nazi slaughter house, the ghettos established by the German invaders are being systematically emptied of all Jews except the few highly skilled workers required for war industries." Now, Mr. Mann, in your trips abroad, and with the hundreds of agents you testified you had throughout 75 countries, did any one of the, or did you through any other means, learn of the contents of that declaration?

DR. HOWARTH: Your Honor, Mr. President, I object to this question.

May I point out that one of the notions I submitted a few days ago was just on the question whether such a general assumption may be voiced here; whether this Document 185 is admitted or not. The Court has already decided that such general allegations cannot be admitted. The Tribunal has said it's true that it can take judicial notice of it but between taking judicial notice and the right to put it to the witness here from Document Book 89 is different. We haven't been able either to put affidavits to the witnesses of the Prosecution as is done apparently here by submitting such a sheet of paper.

MR. HENSKOFF: This is no affidavit. This is the United Nations' declaration. It's a public document. We are asking the witness whether he had any notice or did he hear of that document when it was first issued?

THE PRESIDENT: That is a proper inquiry, and you may ask the witness as to whether or not he knew at the time of this documents and of its contents.

THE WITNESS: No.

BY MR. HENSKOFF:

Q. Now Mr. Mann, in 1943, the American Senate and House of Representatives in a joint resolution, stated that "The American people viewed with indignation the atrocities inflicted upon civilian populations in Nazi occupied countries, and especially the mass murders of Jewish men, women and children." Now did any of your numerous agents in the 75 countries testified to, inform you of the contents of that resolution?

A. No, we never received such information.

Q. One final question in that line. In March 1944, the President of the United States made a public declaration broadcast to the world stating that, "In one of the blackest crimes of history begun by the

Nazis in the days of peace, and multiplied one-hundred fold in time of war, the wholesale and systematic murder of Jews goes on unabated." Now Mr. Mann, the text of that statement was repeated over neutral radio stations, in French, German, Italian and other languages.

THE PRESIDENT: You better establish that fact rather than state it.

MR. HENKOFF: That is a public document which we have as Exhibit 1757, the report from the Office of the President of the United States, as to the publicity given to his statement; it's in Document Book 89. I was just reading from a portion of the report.

THE PRESIDENT: All right.

BY MR. HENKOFF:

Q. "....In French, German Italian and other languages, and newspapers throughout Europe and South America." Now Mr. Mann, did any of your agents in any of the countries you mentioned report to you as to the contents of that declaration?

A. At that period, we had no longer any contact at all with our agents, Mr. Prosecutor, because that was towards the end of the war and all connections had been broken off.

Q. Thank you. Now, Mr. Mann, were you informed of the evacuation of the Jews from the city of Auschwitz?

A. No, I never heard anything about it.

Q. Were you informed of the use of Jews in the concentration camp Auschwitz for the building of I.G. Auschwitz?

A. No, I never heard anything about it.

Q. Did your Bayer-Leverkusen branch have contacts with I.G. Auschwitz?

A. Apart from the shipments of medical supplies, no.

Q. Now isn't it true, Mr. Mann, that you had a direct teletype system established between Leverkusen and I.G. Auschwitz?

A. I am very sorry, but I don't know about that.

Q Do you know whether there was an exchange of workers from Leverkusen to I.G. Auschwitz and back from I.G. Auschwitz to Leverkusen?

A I have no knowledge of that. I do recall that Dr. Ambros had asked me and my commercial colleagues once whether we couldn't help him to get a few employees for the offices of the I.G. plant in Auschwitz. As far as this teletype system is concerned, maybe I can supplement that by saying that that was an installation which had existed for a long time and of course it was not a direct connection between Leverkusen and Auschwitz. It was a network of teletype lines in which the I.G. plant at Auschwitz probably was included also.

Q Now, Mr. Mann, you and a number of your witnesses have testified at length on the functions and responsibilities of the administrative committee of Degesch, and have indicated that very little information was available to the administrative committee concerning the activities of Degesch. May I ask, Mr. Mann, completely apart from your position as chairman of the administrative committee didn't you have a great deal of access to and information concerning the activities of Degesch?

A No, during the fifteen years from 1930 to 1945 I never put a foot into the office of the Degesch at all and it was a clear agreement that Herr Schlosser, as a member of the Vorstand of the Degussa and of the managing partner, should be the only man who had the supervision over the Degesch. On the other hand, it had been agreed that as a compensation, I would be the only man to have the responsibility for the partners over the Chemiewerk A.G. Frankfurt which we owned jointly with the Degussa also. Both parties strictly

conformed with this agreement and during the five years from 1940 to 1945, apart from the business reports, I received perhaps altogether two or three letters. One concerned this matter of the building, and what the other letter concerned I couldn't tell you. Probably some formality about the balance sheet or something of the kind. And now, in order to be quite precise, I want to mention, of course, the monthly reports which I received but which only contained the turnover figures from which nothing could be inferred.

Q Well, for example, Mr. Mann, didn't you have conferences in Leverkusen concerning Degesch where you discussed such things as balance sheets, sales competition and the business of the Degesch subsidiaries?

A Those were conferences, Mr. Prosecutor, where the expert of the Department F would give informations about the turnover of the participating firms. There were eight firms where the department F had the coordination concerning the balance sheet, the turnover, and so on, and this turnover of the eight participating firms were then added up by the statistics department into one figure, and this one turnover figure was submitted to me too.

Q Now perhaps you misunderstood the question. The question wasn't were there meetings, but didn't you attend conferences in Leverkusen concerning Degesch?

A Maybe you could give me the period when this was supposed to have taken place.

Q Well the Prosecution offers NI 15056 as its Exhibit 2099. Mr. Mann, does that refresh your recollection as to whether there, in fact, were conferences in Leverkusen which you attended concerning Degesch?

A This is a meeting from 1935. At that time we had

a certain dispute with the Degussa because we had a special product called Areginal and the Degussa would have liked to have this product Areginal be handed over to the Degesch, and in the scope of the collaboration we had at that time, Herr Schlosser with his directors and the business manager, Mr. Stiegl, made statements concerning the general business situation.

Q I am familiar with the contents of the document, Mr. Mann. I just want to know -- I want you to tell the Tribunal whether this type of conference was held in Leverkusen. Does that refresh your recollection as to that fact?

A I am convinced and I would like to state that with certainty, that this, in 1935, was the first and last time that happened.

Q Thank you. Now were there also pre-balance sheet meetings where, in addition to receiving business reports of the management, you were also given reports containing more detailed information?

A The balance sheets were drawn up at the Degussa. The Degussa also held the whole accounting for Degesch.

Q I understand. I ask you whether there were pre-balance sheet meetings which you attended.

A I think that is possible. After all we were partners and we had to know what happened with our investments.

Q Well Mr. Mann, I offer NI-15052 as Prosecution's Exhibit 2100, which is a meeting in 1941.

THE PRESIDENT: Mr. Minskoff. Are you getting into any confusion here about numbers now? There was something said here the other day about a series of numbers being saved for the commissioner. Are you protecting that?

MR. SPRECHER: Yes, Mr. President, that commissioner series begins with the Exhibit 2300.

THE PRESIDENT: Very well.

BY MR. MINSKOFF:

Q Mr. witness, the question is very limited. It's just related to whether you now recall that this type of meeting was also held at which you attended. The contents speak for them selves.

A This meeting apparently took place but I don't recall it.

Q Now, isn't it true, Mr. Mann, that even as far back as 1932 you refused to approve financial reports of Degesch without having the basic information necessary for you to make your decision?

A Well, you see that is sixteen years and it's not possible for me to remember.

Q Well you must have more recently come across it. I am referring to Degesch Book Number 1, Document 8, in which you refused to certify the financial accounts without having more detailed information. If you have no independent recollection now I will pass to the next question. Wasn't it true, Mr. Mann, that other meetings --

A I think you are speaking of the letter where Herr Schlosser writes to me that it had been wrong to send the whole thing to me because I wasn't competent for it. That is correct, yes.

Q No, I am referring to the portion where you refused to certify without having further information and as a result of that document you may very well recall that from that point on an independant auditing firm was brought in to audit the books of Degesch. Do you recall that?

A May I ask where that is contained in the document book?

Q Degesch Book No. I, Document 8.

THE PRESIDENT: Mr. Prosecutor, would you mind telling us what you are trying to prove by this? It seems rather insignificant.

MR. MINSKOFF: Well, it's a series of questions, if it please the Court, designed to indicate that the terrific emphasis that was placed up until now on this technical committee, the administrative committee, is a cloud behind which we can confuse the actual knowledge of Degesch. There are all kinds of meetings which were being held concerning Degesch activities, at which this defendant was present and whether he was present as the technical head of the administrative committee is one capacity in which he could find out the facts. There are all kinds of

THE PRESIDENT: You're attaching no particular significance to the meeting itself -- just the fact that the meeting was held.

MR. MINSKOFF: Yes, the meetings discuss all types of Degesch activities, Degesch products, competition, sales, turnover. The entire scope of its activities. The point we are making here is that even though this committee itself as such may not have gone into great detail, the same persons representing the partners, representing Leverkusen, had access to and actually did discuss all the pertinent details.

A But there wasn't a technical committee at any time, Mr. Prosecutor.

Q The Prosecution offers NI 15056 and NI 15033 as its Exhibits 2101 and 2102.

THE PRESIDENT: You have that 15056 as 2099.

MR. THSKOFF: No, 15033 is 2101. Mr. Mann, does that refresh your recollection as to whether there were scientific technical meetings held on Degesch matters on your suggestion?

A Do you want me to answer?

Q Yes, I asked whether this refreshes your recollection that there were such meetings also.

A That wasn't a technical committee, within the scope of the partners of the Degesch. Those were conferences of technicians of all firms taking part in the gassing business. In other words, sort of a union of firms applying their work in this particular branch.

Q That's precisely what I mean by technical. Mr. Mann, you also discussed Degesch matters, did you not, as part of the agenda of your own directors' meetings in I.G. Farben Bayer. Isn't that true?

A Probably that is the case in all matters as are of a certain interest between our department for decontamination and the similar department of the Degesch. I told you already that we had a competing product there.

Q The Prosecution offers NI 13700 as its Exhibit 2102, without any further commenting. Now, Mr. Mann, isn't it true also that apart from the official Degesch meetings you also had unofficial Degesch meetings with all the interested persons at which you could discuss the business of the Degesch firm? Do you recall those?

A I would like to ask that you tell me what is involved here.

Q The Prosecution offers NI 15053 as its Exhibit 2103 and 15054 as its Exhibit 2104. Mr. Mann, the question is, do these Prosecution exhibits refresh your recollection as to whether, in addition to the official meetings, you also held unofficial meetings concerning the business of Degesch.

THE PRESIDENT: Mr. Prosecutor, I again would like to suggest that it doesn't occur to me that we are getting anywhere unless it is a theory of the prosecution, and you are in a position to show that at one or more of these meetings something pertinent to the charge here is involved, some discussion of this Zyklon or knowledge of its use or something like that. Just to load this record with a lot of documents to show that there were some business meetings that involved personnel or involved finances is of very doubtful value in view of the time that this is requiring.

MR. MINSKOFF: Mr. President, May I just suggest this. That a tremendous amount of testimony has come through at this point to show that this defendant had practically nothing to do with Degesch, that it was a very nominal office that he held; that he was very busy, and other things to show that his contacts were so few that he wouldn't be in a position to learn of the business of Degesch. Now, we know as a fact, which is no longer disputed, what Degesch actually did. Now, the further fact we are trying to prove is that he had knowledge of the business of Degesch and what they did. Now, after discussions in the various meetings, if there are enough of them, and they discussed a wide scope of topics, his interest may become very clear. This defendant knew exactly what was happening in the firm of Degesch. The Prosecution lays great importance on the vast number and variety of meetings and discussions that this defendant had on the business of Degesch, completely apart from his position as head of the administrative committee.

MR. SPRECHER: Mr. President, I'd like to add this. Strangely enough it has never been very comparable without own experiences in cases, particularly in civil law suits in the United States and most criminal law suits certainly also, to have a case where most of the real evidence is destroyed, including all the people who were effected by the criminal acts and conduct and the records of the trials concerning Dachau with respect to persons in leading positions who were surrounded to an entire system that led to the extermination of people, require entirely

a different approach, certainly underneath the normal rules of evidence, because we have utterly and absolutely no comparable situation where the intentional destruction of records, where the intentional destruction of every possible witness to these conferences that did go on took place.

THE PRESIDENT: Well, Mr. Prosecutor, I don't want to close the door on you arguing a legal proposition to the Tribunal, but we are in no position to accept your statements about the intentional destruction of the records of these firms unless you establish it. There is no point in making statements of that kind if it could have no weight or consideration with us unless it's established by evidence here, and if it is established, that is an entirely different matter from the one that I am concerned about. I am only concerned about it. I am not saying that possibly remotely this might be some slight circumstance. I was trying to find out from your associate as to whether or not it was the purpose to connect up this long number of documents with something concrete as far as this charge. If it was not, I see no reason in the world why this witness could not have been asked about two or three questions if there were any other meetings in which business affairs or personnel affairs or interorganization affairs were discussed. Let him answer the question and then submit this bunch of documents and we would have been well over this, instead of consuming three-quarters of an hour even if it is competent and has probative value. That's the point. I am just trying to conserve time here.

MR. SPEISCHER: Mr. President, I appreciate your suggestion. May I make the suggestion that we have attempted to conserve time. I think we will be well under our time limit. But you are faced here in this particular charge particularly with perhaps as difficult and as important a law suit as perhaps any one of us will be faced with. Now, we have thought over what is important in order to try to give you the best basis for arriving at the truth. We think among other things the reaction of this very defendant Mann on the stand, to a series of questions, is one of the most important ways that you can draw your inferences. Now, that was our best

consideration. If we have erred, please forgive us.

MR. TINSKOFF: May I proceed?

THE PRESIDENT: Yes.

BY MR. TINSKOFF:

Q. Now Mr. Mann, is it not true that oftentimes instead of having an administrative committee meeting, you called a partnership meeting of the Degesch firm at which substantially all the same persons attended, including yourself?

A. We had very often, reasons to discuss general business matters with the Degussa, and I particularly had with Herr Schlosser and particularly concerning the general affairs of the whole firms, and very often also with regard to the matters Herr Schlosser had to deal with us leader of the Economic Group Chemistry during those various years, and the position he had to take. It is true that I saw Herr Schlosser at many occasions, but I, in practice, had hardly any other contact with the Degesch as the one dealing with the balance sheets where, of course there were often preliminary conferences, and agreements concerning our deadlines. Then negotiations concerning the delimitation of fields where the question was doubtful whether we were covered by the contract or not. Then we had a third partner in the Degesch which was the Goldschmidt firm, and I often discussed our relationship with Goldschmidt with Herr Schlosser. But concerning details of the Degesch business, in the sense that I myself could have formed a judgment about the extent of certain shipments or the location of the shipment, I never heard. That was entirely in the hands of the business management of the Degesch and the control over it was assumed by the Degussa.

Q. The Prosecution offers 15034 as its Exhibit 2105 without comment. Mr. Mann, according to some of the certain statements in the evidence you have so far introduced, you have indicated that the monthly turnover reports -- that is the records or the monthly turnover reports -- were studied, and they did not find your initial on any of them, and the

conclusion was drawn that since you always initialed the ones you have read that therefore you hadn't read any of them. Now, completely apart, Mr. Mann, from what the records show, can you state whether you recall, as a practical matter, receiving these monthly reports?

A. I can no longer recall whether in individual cases they were mailed to my address or to my office. Instead of to the Department F as had been agreed upon, but even let's assume that I had seen all of them. I couldn't even recognize any connection with what is submitted here. In that case ----

Q. Mr. Mann, we can save time if you just answer the question. Do you recall whether you received them? What inferences can be drawn from them the Court will draw on its own. Can you recall whether you received these monthly reports?

A. The monthly reports were received at Leverkusen with the whole mail. They were distributed by the management department, and I think that it is possible that at times I would see them and at other times I would not see them. Essentially speaking I didn't have to deal with them. That was a routine job of the statistics department. Nothing was contained in the reports but the figures.

Q. Well, isn't it true, as a matter of fact, that in some cases you yourself, dissatisfied with the general figures, specifically requested that more detailed figures, broken down by products, be furnished to you? Do you recall such occasions?

A. I do think that it is possible that for certain reasons I would occasionally demand for a certain product which, for instance, was in competition with a Leverkusen product, that I wanted to have more information. That is quite a normal business reaction.

Q. The prosecution offers ME 15057 and 15051 as its exhibit 106 and 2107, respectively. Now, your interest in the Degesch firm, Mr. Mann, was sometimes so detailed that you even requested information on specific disinfection actions. Isn't that true?

A. You have submitted two documents there. Speaking of Document 15051, I would like to say that it was the normal monthly report, October 1943.

Q. Do you notice whether it has your initial on it showing you have received it?

A. Yes. Well I see here, but I see at the same time that the letter, as was agreed upon has been sent to Department F and doubtlessly the manager of Department F submitted it to me because this manager wanted to prove to me by this report that his estimate of the turnover was about right. It was pure information referring to the figures, but not connected directly with the products and the business of the Degesch being discussed here. As a partner we would receive the figures. Now, the other document, 15057 of 1937 originated from a very special reason. At that time T Gas Company had been taken over from the firm Goldschmidt into the Degesch, and Dr. Goldschmidt was also very very dissatisfied with the development of this business, and I was interested to know from Herr Schlosser what his view was concerning the development of this business so that if I met Dr. Goldschmidt some day I would know a little bit more than I normally would about these matters.

THE PRESIDENT: Counsel, we are over our recess time. May I remind you, before we rise, that according to our calculations you should complete this cross-examination in about twenty-five minutes.

MR. MINSKOFF: I just have about three or four more questions, if it please the Court.

THE PRESIDENT: Very well.

THE MARSHAL: Persons in the courtroom will please find their seats.

The Tribunal is now in session.

BY MR. MINSKOFF:

Q Mr. Mann, do you recall taking sufficient interest in even individual disinfection action at Dagesch as to inquire for reports of such action?

A I personally don't remember any at the moment.

Q Do you recall — now, may I show you NI-15055 which is offered as Prosecution Exhibit 2108 and ask you, Mr. Mann: does that refresh your recollection as to when the fumigation of the steamer Europa in Bramen was made that you specifically asked for a copy of the report of that particular action?

A That was in 1935.

Q That is correct.

A I am interested in how this was done and I wanted to read about how such a big steamer was fumigated.

Q Mr. Mann, is it true that in Leverkusen statistics were prepared to cover the development of sales for the years 1938 to 1943 of all the parts of Dagesch for your people in Leverkusen?

A I assume that Department F or the statistical department compiled the monthly reports in some form or other. They may have compiled them according to groups or products or countries — or home or foreign. That must certainly be assumed.

Q Do you recall Mr. Mann that in the statistics prepared covering the years 1938 to 1943 your Leverkusen people indicated that in spite of the outbreak of the war in 1939 practically all of the disinfection products, the sale of disinfection products, declined except Zyklon-K which increased? Do you recall that?

A No, I don't remember that.

MR. MINSKOFF: The Prosecution offers NI-15060 as Exhibit 2109.

Q Mr. Witness, does that refresh your recollection as to the statistical chart prepared by Leverkusen people showing the various disinfection products and their relative sales increases and declines?

A Yes, as I already said, this is a survey compiled by department F using the material of Degesch, but I find no indication that all business decreased, apart from Zyklon-B, which increased. That is only a conclusion which one can draw when studying the figures in more detail. Personally, I cannot remember having studied the material to that exact extent. After all, my whole enterprise involved a huge amount of figures.

MR. MINSKOFF: Thank you very much. No further questions by the prosecution.

THE PRESIDENT: Did I understand that that concludes the Prosecution's cross examination?

MR. MINSKOFF: That is correct, sir.

DR. BERNDT (Counsel for defendant Mann): Your Honor, at first I have to put a number of questions to the witness Peters in connection with the documents which were submitted by the Prosecution last Saturday. The witness Peters is waiting outside and may I ask the Tribunal to order that that the witness Peters be placed into the witness stand?

THE PRESIDENT: Any objection to that proceeding?

MR. SPRECHER: May we have just a minute, Mr. President?

Mr. President, we do object to the procedure. There is nothing that can be particularly detaining the witness Peters who is confined in the jail and the interruption of the interrogation of this defendant has been so repeated that we just think that it has gotten to the point where it is extremely bad procedure.

THE PRESIDENT: Well, this makes a problem for us. Here this forenoon documents from 2093 to 2109 have been introduced in evidence. Some of them may be properly in the nature of cross examination; some

may be in the nature of rebuttal. There is one rule with reference to the relationship between counsel and his client as it applies to cross examination. There is another rule that applies to rebuttal.

Then to complicate the situation further, as I am informed, Dr. Berndt has about an hour and twenty minutes available for both purposes here. That is, the redirect examination of the defendant Mann and the completion of the examination of the witness Dr. Peters, if I am informed correctly. We granted time that he might familiarize himself with the documents pertaining to Dr. Peters.

Perhaps, it would be better in the interests of keeping him within time and keeping the trial under control to let Dr. Mann step aside, because there is some basis for a claim that Dr. Berndt hasn't had much of an opportunity to study these documents, and to call the witness Peters because he has had an opportunity over the weekend to study those documents pertaining to that witness.

THE PRESIDENT: Dr. Berndt, if we would let the Defendant Mann step aside and let you call Dr. Peters now, will you at the conclusion of your examination of Dr. Peters be ready then to conclude your examination of Dr. Mann?

DR. BERNDT: Yes, immediately thereafter.

THE PRESIDENT: Then, under those circumstances the Defendant Mann may leave the witness box, and the Marshal will bring in the witness Peters, the understanding being that upon the completion of the examination of the witness Peters Dr. Berndt will conclude his examination of the defendant Mann.

DR. BERNDT: Yes, Your Honor.

(The witness Mann leaves the stand; the witness Peters resumes the stand)

THE PRESIDENT: You may proceed, Dr. Berndt.

The record may show the witness Peters in the witness box.

Witness DR. GERHARD PETERS - Resumed

DIRECT EXAMINATION - Continued.

BY DR. BERNDT:

Q.- Dr. Peters, I don't have to draw your attention to the fact that your testimony today is made under the same oath which you swore on Saturday. Over Sunday you have had an opportunity to study the English and Frankfurt copies of the affidavit. Under paragraph 4 of your affidavit you have stated that through monthly, quarterly, and yearly reports the Degesch company was currently informed. We don't have to discuss the yearly reports; they are in part before the Tribunal, and were introduced by the Prosecution, and those which were not produced I shall submit today. With respect to the quarterly reports, you have made a correction in your affidavit to the effect that they were only made up to the end of 1939. That is to say, up to a time which is of no interest to us here.

Would you now be good enough to tell me who actually received the monthly and quarterly reports?

A.- The monthly activity reports, apart from the internal distribution within Degesch, were only sent to Mr. Schlosser and Mr. Bernau, and to the management circulation of the Degussa. The other companies did not receive these monthly activity reports.

Q.- In other words, these monthly reports were not received at Ludwigshafen and not at Leverkusen either?

A.- No.

Q.- I shall now put to you a number of turn-over reports which I have introduced with my Document Book 1. There is a heap of them.

THE PRESIDENT: It would be helpful, Dr. Berndt, if we could have, for the record, an identification of the exhibit numbers of those.

DR. BERNDT: Exhibit 22 -- Degesch Exhibit 22.

BY DR. BERNDT:

Q.- Dr. Peters, do these monthly turn-over reports have anything to do with the monthly reports which you just mentioned or are they two different things?

A.- These are merely turn-over reports listing figures from which the monthly turn-over becomes apparent. They are listed according to individual products and according to various foreign countries and Germany. They have nothing to do with the reports.

Q.- Very well.

Did Farben, in particular after 1939, with respect to written reports of Degesch, especially concerning the Zyklon business, receive more than the yearly business reports and the monthly turn-over reports which you just mentioned?

A.- No. There was one exception, which really isn't an exception. A particular group of countries so-called 'white countries' was treated separately with regard to patents accounts and a report was made to them in the same form as I have mentioned here.

Q.- You didn't quite clearly describe the situation relating to the

reports and the companies in your affidavit. How can you explain it?

A.- These few sentences in my affidavit -- two or three sentences, are the result of rather stubborn interrogation lasting first of all for many hours, and then for many days in Nurnberg in answer to these questions. I always pointed out that I wasn't exactly informed at the moment about how Degesch made its reports. I asked to be able to refresh my memory by looking into the business reports which had been sent off. That permission, however, was refused me. Then, I pointed out that the officials of Degesch who took care of this routine work -- for instance, Mr. Kaufmann, the deputy business manager -- were better informed about these matters, and that they should be interrogated. I also asked that I be given an opportunity to discuss this subject with them. Then, I was given an opportunity to draw up my own compilation after a few hours of calm deliberation on the entire subject, concerning reports made and concerning the relationship between Degesch and Farben. The text of that compilation, amounting to a number of pages, was torn up and thrown at my feet after only the first sentence had been read, because it was not considered to be suitable.

Q.- Now, I must ask you who threw this document at your feet?

A.- That was Mr. Minskoff. I said to Mr. Minskoff repeatedly "Don't be angry, but I don't know about all these things. Don't worry me, and don't ruin my nerves. If you attack me in that manner I shall only be able to tell you less." Then I was given an opportunity in Frankfurt to talk with the officials of Degesch after I had given my affidavit. We compiled all the documents which were still available to us there, and I submitted a very detailed report on it to the Prosecution.

Q.- Does this report bear the date "29 November 1947?"

A.- Yes, that must be the one.

Q.- I have a copy of that report which was signed under oath by all

the participants drawing up this report. I shall have this report shown to you, and I ask you to state for the record that this is the very report which you made.

A.- Yes, this is the report.

THE PRESIDENT: Well, Dr. Berndt, --

DR. BERNDT: Your Honor, I have had copies made of this report, and I shall submit them to the Tribunal. Since I only just received the report it was impossible for me to have it translated into English.

THE PRESIDENT: That's very well. We'll give you time to do that, but we're talking about this report, and that will mean nothing on the record. Give it a number of some kind, or an identification, so that hereafter we'll know what the witness is testifying about.

DR. BERNDT: I shall submit one such copy to the Secretary General. I ask him to accept it as Degesch Exhibit 60.

BY DR. BERNDT:

Q.- Dr. Peters, can you then maintain the statement made on page 3 of your affidavit to the effect that the companies, in particular Farben, were informed in detail as to the amounts sold to the various customers, such as the Wehrmacht, Waffen SS, concentration camps, etc. in particular with respect to Zyklon?

A.- Up to the time I made this affidavit I have not been able to see the business reports originating in 1941 to 1942, 1943; so I could only make my statements from memory. Today I know that this statement is true for the entirety of those reports, with one limitation, but not for each individual report. In one year there was detailed compilation with respect to gas chambers. In another year there was a detailed compilation with respect to ventox and Trotox; but today I know that this specification was only made with respect to these two products and customers and not with respect to Zyklon and the other Degesch processes.

Q.- Dr. Peters, you also said that the Dessauer Werke produced Zyklon on Commission for Degesch interests, is that correct?

A.- This is an erroneous statement which other Degesch members also made by error. As a matter of fact, Degussa was the commission agency which in turn sold the Zyklon to Degesch.

Q.- In that affidavit you continue to state that the three companies of Degesch -- Degussa, Farben and Goldschmidt -- informed the so-called Administrative Committee, as an organism for the execution of their control rights. Was the Administrative Committee a control agency?

A.- The expression "control" does not originate from me, and I don't have enough administrative legal experience to designate the term correctly. A control, as it was exercised, referred only to the broad line of the enterprise. I may add that there was hardly any company which worked as independently as Degesch in regard to Degussa, as well as in regard to Farben.

Q.- Can you name one single instance in which a company interfered with the business management of Degesch in order to control it?

A.- I remember no such case, apart from the revision of the yearly report during company meetings.

Q.- Very well.

You then state that certain members of the Administrative Committee and among them you also name Mr. Mann -- showed an active interest in matters pertaining to Degesch. Would you please be good enough to tell me how that so-called active interest on the part of Mr. Mann came into appearance?

A.- The designation "active" here is a purely relative statement concerning Mann, and it is only to be taken into consideration with respect to the completely inactive more representative attitude of the other gentlemen involved, they were the only ones who appeared at all.

5 Apr-M-FL-9-6-Stone (Int. Ramler)

Court No. VI, Case VI

Q.- Well, how did Mr. Mann come into appearance?

A.- In case of questions for instance concerning the buying of a new building he was the man who was somewhat interested in it, whereas the other men didn't interest themselves at all.

Q.- Would you please be good enough to take hold of your supplement affidavit of the 23rd of November 1947 and turn to page 2? There you have somewhat changed the previous statement. Would you please be good enough to read that change into the record yourself?

A Yes, I know what you mean. You're referring to the paragraph dealing with Leverkusen. I quote: "Business correspondence with Leverkusen concerning interpretation of contracts, concerning limitations etc., with respect to important questions, direct reports have to be sent to Mr. Mann through letters or copies, but that only after the express approval by Mr. Schlosser and limited to extraordinary cases for instance, the purchase of a new building, desired expansion of the field of work -- a certain type of poison, preparation of the Administrative Committee meetings, suggestions for the payment of dividends, income tax budgets, and separation of the plant and administrative expenses. Such cases were very rare, and they without doubt never concerned individual instances pertaining to the Zyklon business.

Q You state further that before making important decision these three companies were asked for their approval in writing. Can you state one instance in which such an approval was obtained?

A During the war there was only one such instance, the purchase of the building and the payment of dividends.

Q And then you continue to state that the companies through verbal reports were informed at the meetings of the Administrative Committee about the delivery of Zyklon and about the installation of delousing chambers in the concentration camp, as well as deliveries to the SS. When was the last Administrative Committee meeting?

A The last Administrative Committee meeting took place in 1940.

Q And how about the last company meeting?

A That was in 1942, but these are facts which I have only known for a few weeks and which I didn't know at the time I was interrogated.

Q During one of these meetings was the business report discussed in such a manner that the participants received additional information concerning details of the Zyklon business?

A After the Prosecution put some documents to me I only remember the case of the Duesslinger report in 1942, with respect to the expansion of the delousing chambers, and I considered that as being part of such

information.

Q From such reports, as you have just described them to us, could the companies have any suspicion that the Zuklon was used for such criminal purposes as were charged by the Prosecution and of which we know today unfortunately?

A No, that was entirely out of the question.

Q Recently you described very impressively to us your conference with Gerstein. On the 11th of November 1940 you also mentioned that matter to an English Major but somewhat differently. You named Gerstein, but you didn't say what Gerstein told you himself. How can these two statements be made consistent?

A I might state that after the English Court officer had concluded the interrogation I said on my own initiative, "I must tell you about two special cases." And on that occasion I mentioned the Gerstein case, which happened without knowledge of Tista. He, however, showed no interest in the manner, and I therefore, had no reason to give him any more detailed explanation; and that may well be understood. That is why I left the affidavit in the manner in which the Court officer had drawn it up. That is, in my favor.

Q In that affidavit of Murnberg, 1947, with respect to the matter pertaining to Gerstein, you speak of the killing of criminals, incurable patients, and inferior human beings. Do you remember that?

A Yes.

Q What did you mean by that expression "inferior human beings?"

A That is a careless phrasing on my part which I had overlooked. It means more than what I told you yesterday -- the day before yesterday. To explain it, I might perhaps say that when correcting the affidavit I considered the most important subject the relationship between Degesch and Farben, and that was always put to me here as being the most important subject. When I wanted to make some changes with respect to Gerstein in my own interest, I was dissuaded from doing so. Mr. Elban will perhaps remember that he once very kindly went into Mr. Hinkoff's office in order to ask him whether I could make a change. That, however, was rejected.

Q Just one minute. Was any reason given for this refusal?

A I don't remember, but I think it was said that it wasn't necessary and that the change wasn't quite suitable. At any rate I was under the impression that the Gerstein matter was not so important and that it didn't have to be explained in detail, and that the only important things were the relations with Farben. And those I considered very carefully. Therefore, there are a few absolute mistakes in the Gerstein matter also with respect to the subject concerning irritants, which I overlooked at the time, due to poor information on the part of the Prosecution.

Q You further mentioned that a short time before your conversation with Gerstein a business friend of yours showed you certain pictures. Just tell me one thing: Was this business friend of yours someone from Farben?

A He neither had anything to do with Farben nor with Degussa.

Q On Page 5a of your affidavit you state that you, Doctor, on the occasion of your conversation with Herr Gerstein, said that Gerstein should demand larger quantities than were actually being used. You said that if he demanded larger quantities this matter would be somewhat camouflaged. Isn't that to a certain extent a contradiction of the testimony you made before the Tribunal last Saturday? Then you said that you didn't want to stay in current or permanent business contact with Gerstein.

A That is purely an apparent contradiction, if one knows the situation. I told Mr. von Halle in October of last year that he was the first human being to whom I revealed a secret which I had kept to myself for a period of over four years. I have endeavored to clarify the situation on the strength of my memory, as it prevailed during Gerstein's visit. From the phrasing in the affidavit it becomes clear and apparent that I even tried to find some clarification for myself. Later, after obtaining more information from the material and interrogations and after having a few conversations with the Degesch people, a few of these connections became

4 April 1948-M-JSD-10-4-Stone (Ramier)
Court VI, Case VI

clearer to me, but I really don't see any direct contradiction in
these two statements. One is merely a rough statement, and the other one
is somewhat more concise.

Q. In your affidavit you mention a certain Mr. Kaufmann who was he?

A. That was the Degesch deputy business manager I mentioned.

Q. What was his activity with Degesch?

A. He principally dealt with questions of accounting and he administrated the Zyklon business; during the last years of the war he was my deputy with respect to all questions of Degesch.

Q. I already mentioned that Mr. Kaufman voiced some misgivings with respect to the deliveries to Gerstein, and that you tried to clear his mind of such misgivings. Did you actually succeed in doing that?

A. For what I know of his present utterances, I think I succeeded entirely. His misgivings weren't very decisive or important.

Q. And, finally, I have only one more question. Am I correct in stating that up until the end of the war you didn't tell any human being about this whole Gerstein matter, within or outside of Degesch?

A. Not only until the end of the war, but up to October, 1947. Apart from this camouflaged form I mentioned, namely, chemical warfare agents experiments.

Q. I have no further questions, your Honor.

BY DR. THEOBALD (Counsel for defendant Buergin):

Q. Witness, I should like to put a number of questions to you concerning Prosecution Exhibit 2069, Document 15061, which was put to you on Saturday during cross-examination. It is the copy of a letter of Degesch's dated 30 May, 1944, directed to Farben, Wolfen. Have you got that document?

A. Yes.

Q. I should now like to ask you this. What is this Areginal about which you write in that letter to Wolfen?

A. This is a methyl preparation, and up to that time it was used only for the combatting of insects.

Q. Did Degesch use it for purposes of combatting insects? or for what purposes did they use it?

A. Because of the Zyklon scarcity an agreement had been reached with Farben Love Kusen that certain amounts of Areginal were to be used for

dehousing purposes and were to be offered by Degesch to certain customers. This was an emergency measure because ordinarily Degesch had nothing to do with Areginal.

Q. Since when did Degesch receive Areginal?

A. I don't remember exactly, but I think since the beginning of 1944.

Q. Could you state whether this Areginal was at all suitable for the gassing of humans?

A. Cyanide can be combined with Areginal as potassium by dioxide with aspirin. It is quite unsuitable to use it for the extermination of warm-blooded animals and according to German legislation it is not considered to be poisonous.

Q. In this letter of 13 May, 1944, you state, writing to Farben-Wolfen, that Wolfen under the circumstances consider a demand of 24,000 tons of Areginal as unusual, and that is stated on the first paragraph of the letter. This remark, which is somewhat incomprehensible to us, has nothing to do with any purpose to which Areginal was to be used and which is to be camouflaged here?

A. No; it was only somewhat remarkable that without any technical investigation a large amount of the substance was to be used immediately. The amount as such is in proportion with about 1,500 kilograms of Zyklon. That is, from the point of view of effect, it was not very much.

Q. If I understood you correctly, Areginal was never used for the gassing of human beings?

A. I think that is entirely senseless and out of the question.

Q. No further questions.

THE PRESIDENT: Anything further from the Defense?... Anything further from the Prosecution?

MR. SPRECHER: Mr. President, there is just one thing I would like to correct. I think by mistake at one time the interpreter mentioned one of the analysts as Mr. Heilbrun, and I am sure the witness meant Mr. Elbau, in any event.

THE PRESIDENT: Is that correct, Mr. Witness?

WITNESS: Yes.

THE PRESIDENT: Then the record may show the correction accordingly.

RE-CROSS EXAMINATION

DR. GERHARD PETERS, Resumed

BY L.R. MINSKOFF:

Q. Mr. Peters, you were not in prison when you were first interrogated by the Prosecution in this case, were you?

A. No.

Q. Several members of the Prosecution saw you in Frankfurt, and after interrogation you gave them a statement, which is now Prosecution's Exhibit 2087, the first statement in Frankfurt, is that right?... I didn't hear your answer.

A. The affidavit--yes.

Q. You gave an affidavit in October of 1947 to Mr. Elbau and Mr. von Halle?

A. Yes.

Q. Now, after you gave that affidavit to them in October, '47, did you ever subsequently write to them or call them or in any way call their attention to the fact that anything in that affidavit was not accurate?

A. I didn't have the wording of that affidavit before me.

Q. Were you subsequently called by the Prosecution?

A. Yes, to Nurnberg.

Q. And did you then have a chance to see the affidavit you had signed in October?

A. Yes.

Q. And do you recall on that second occasion whether you were asked whether you had any corrections to make or any additions to make?

A. Yes; I have already explained that.

Q. And is it a fact that on the second occasion, with respect to your first affidavit of only four and a half pages, you made some twelve

corrections, plus a statement of explanation? That is now introduced as Exhibit 2088 of the Prosecution. Do you recall that, Mr. Peters?

A. Yes.

Q. After you gave that statement to the Prosecution, were you in possession of both affidavits which you had given to the Prosecution?

A. Personally--in my possession? No.

Q. After you signed the second affidavit, didn't you have copies of both the first and the second affidavit?

A. No; I only have the draft of my corrections, but I don't have the original copy.

Q. And that was in November of 1947?

A. Yes.

Q. Did you ever, since then, state that you wanted to make any further changes or corrections in either of those two affidavits?

A. From the supplement you mentioned it becomes apparent that I attached considerable value to clarifying all those questions you put to me which was confined to the relationship of Farben with Degesch. My case--Gerstein--if I may call it in that way, was not discussed at all during the interrogation which lasted for four days in Nurnberg, apart from looking through the revision of the affidavit.....

Q. I will get to the Gerstein part in a minute. I am just speaking about your opportunity--

THE PRESIDENT: Just a moment.

DR. BERNDT: Your Honor, would you please let the witness finish?

THE PRESIDENT: Mr. Witness, complete your answer.

A. And as I said before, I was recommended not to make any corrections with respect to the Gerstein matter. Of course, I am a layman with respect to court procedure and complied trustively with this, in the same way as I was told during the first interrogation that it didn't matter if I incriminated myself, these matters would be left out of the record if I so desired, and I was told repeatedly that it was not I who was on trial but merely Farben.

Q. Now, Mr. Witness, do you recall after your arrest having made a statement to the German authorities where you were personally involved and might be personally incriminated?

A. Yes.

Q. And that was in January of 1948?

A. In February.

Q. I am sorry; I think it was in March, '48.

A. Yes, March.

Q. Now, at that time you were completely aware that anything you might say might incriminate you personally, were you not?

A. Yes.

Q. And at that time you discussed in detail the Gerstein affair, did you not?

A. Yes.

Q. The Prosecution offers at this time NI-15068 as its Exhibit 2110, which is a statement of the witness which he gave to the German authorities covering the same subject matter--Gerstein--that he referred to at length in his re-direct.

No further questions.

THE PRESIDENT: Anything further, Dr. Berndt?

DR. BERNDT: I know the statement before me and I shall only refer to one passage. Your Honor, I think it inadmissible for the document just mentioned to be accepted by the Tribunal. Those are purely excerpts, and whatever was suitable to the Prosecution was left in the statement, what was not suitable and was just left out. I must ask that I be given the opportunity to introduce on my own behalf the entire document.

THE PRESIDENT: Again we haven't sufficient copies for the Tribunal to have individual copies of this document here.

Does the Prosecution have some extra copies?

DR. BERNDT: The Prosecution is in possession of the entire text of the statement; I know that.

MR. SPRECHER: There is no problem about that. If Dr. Berndt wants that, of course he can have it. There is no problem about those things.

THE PRESIDENT: Well, under the practice that we have followed here the Tribunal would not be warranted in excluding the excerpts from the document, providing it makes the entire document available to the opposition. The objection to the introduction of the document must be overruled therefore and the Tribunal will expect that the Prosecution will furnish Dr. Berndt with a copy of the entire document.

BY DR. BERNDT (Counsel for defendant Mann):

Q Dr. Peters, only one more question. You said before that you corrected your affidavit and that you handed that correction to a gentleman who tore it up and who threw it at your feet, that is, he rejected it. Is that true?

A This was a statement amounting to at least two or three pages which took me three hours to compile. Mr. Minskoff only read the first two lines and said, "This is no good to me that is all rubbish; that is nonsense" -- I didn't know what he said, and then he threw it on the floor.

DR. BERNDT: I have no further questions, your Honor.

THE PRESIDENT: Is that all, gentlemen?

MR. MINSKOFF: Mr. President, may it please the Court, I would like to make this one statement on behalf of the Prosecution. I would like to state for the record, and I would be happy subject myself to cross examination on the basis of this statement that neither I nor any member of the Prosecution took any statement from this witness which we tore up --

THE PRESIDENT: Mr. Prosecutor, we cannot take that. If you want to be a witness in this case --

MR. MINSKOFF: I will put it in the form of an affidavit, if it please the Court.

MR. SPRECHER: Mr. President, may I speak on that point? I understand that an official of this court can make a statement of fact to this Tribunal either from this podium or from the witness box. Mr. Minskoff has said he will be very glad to go to the witness box once the

statement is made. But in view of the fact that this witness has given some dignity to an accusation, which seems very strange to me, I think that we should have this opportunity at this time to make that statement.

THE PRESIDENT: Now, the Tribunal is not disposed to refuse counsel full opportunity to make any proper showing before the Tribunal. There are two reasons why we cannot indulge this practice. In the first place, the witness testified to that incident on re-direct examination. He was cross-examined by counsel for the Prosecution thereafter. He did not go into it. And then we had re-direct examination. And now you raise the question. That is purely technical. We wouldn't be inclined to lean too heavily on that. But here is a controversial matter between Mr. Minskoff, who is recognized as a member of the staff of counsel for the Prosecution, and the witness in the box.

If Mr. Minskoff wishes the Tribunal to understand his side of this story, and it is proper and pertinent, he is entitled to make it. But if he does make it, he must make it under the same circumstances as the witness in the box. He must go into the witness box as a witness and subject himself to cross-examination.

Now, what counsel has said about this Tribunal having said that we will take the statement of counsel certainly does not go to the field of trying a lawsuit that way. In procedural matters, things aside from a trial proper, we are always glad to accept a statement from any member of the staff of Prosecution or Defense counsel at one hundred per cent value, but we can't try a lawsuit by permitting lawyers to get up and tell us what the facts of the case are.

Now, the Prosecution may decide for itself if Mr. Minskoff wishes to testify and the Prosecution wishes to have him testify on that. He must be sworn as a witness, take the witness stand, answer questions, and subject himself to cross-examination. Now that just must be that way. We can't try a case any other way.

I may say that he may also, if he prefers, follow the other recognized practice. He may submit his affidavit, or you may submit an affidavit of Mr. Minskoff's, but in that event of course he will also be subject to cross-examination.

MR. SPRECHER: Well, Mr. President, I am very glad to have your direction in this matter, and we shall so submit this affidavit. I don't want --

THE PRESIDENT: You need not determine that now.

MR. SPRECHER: If that is determined we will do that on our part. I only wanted to make it clear to the Court that Mr. Minskoff, at my suggestion, was doing what I had seen followed before, namely, to make a statement and say that, as an officer of the Court, he would subject himself to cross-examination and that we had no intention to avoid any cross-examination.

THE PRESIDENT: I am sure we understand that. But we have taken the position that, as to matters further than the offering of proof, we will take statements. But when we come to a matter of the importance of this, it ought to be handled in the same way, and he can become a witness or he can submit the affidavit and then counsel for the Defense can determine whether or not they wish to cross-examine him. And you don't need to do that now. You can determine with a reasonable time whether you wish to make such a showing.

MR. SPRECHER: Affidavits from both of the parties will be before your Honors very shortly.

THE PRESIDENT: Very well.

Mr. Witness, you are now excused from further attendance...

Dr. Berndt, are you ready now to have the defendant Mann resume the witness box? (Witness Peters excused.)

DR. BERNDT: Mr. President, would you please have the defendant Mann be placed in the witness stand?

THE PRESIDENT: Dr. Mann, you may come back to the witness stand.

REDIRECT EXAMINATION

WILHELM MANN, Resumed

BY DR. BERNDT:

Q Mr. Mann, of the many documents which were submitted to you today I am excluding all those which deal with the time prior to these mass gassings. From the year 1941 I refer to the following. Will you please examine Document NI-15052? Have you got it before you?

A Yes.

Q This is a document with respect to the budget discussion of the Degesch. When did this take place?

A That was June, 1941.

Q What was the budget which was discussed? Mr. Mann, I asked you a question.

A Well, I am just reading the document. I didn't have an opportunity to do that up to now.

Q Mr. Mann, you don't have to read it. I only asked you this. For what budget year was a conference in 1941?

A That was the yearly budget for 1940.

Q Would you please tell us whether this conference referred only to Degesch?

A No, it simultaneously concerned the company which we held, together with the Scheidenstalt Frankfurt. Mr. Conrad, the chairman of the Vorstand of the Chemie Werk, is also listed as a participant.

Q To make it quite clear, it says on top of the document — Chemie Werk Frankfurt on the Main. Isn't that right?

A Yes.

Q Exhibit 2100. I shall now refer to your letter to Mr. Schlosser, NI-15054, Exhibit 2104. Would you please read the last two sentences?

A It says here: After I have pointed out that probably in September, 1942, the Chemie Werk meetings were to take place. I said that I would welcome it to meet the gentlemen of Degesch too. This is

to be a meeting of the gentlemen belonging to our firms where we could exchange opinions on current questions.

Q Would you please tell me what you understood by that?

A As a result of the mention of Dr. Paulmann in that letter at the same time, who was the head of the department for combatting insects and vermin at Leverkusen, I would draw the conclusion that this very often concerned questions of competence between Degesch and Bayer Leverkusen with respect to a few products.

Q Thank you. Would you please now take the document on the Management Conference of Bayer, on 7 August, 1940, NI-13780, Exhibit 2102? Would you please turn to the page 2, paragraph 394?

A Yes, I have found it.

Q What is shown by that passage?

A These are minutes of the Bayer Direction Conference, and under Paragraph 394 we expressed our agreement that this year's company meeting reports were also to be distributed by way of writing, and it is furthermore pointed out that during the Chemie Werk meeting, which was to take place in the near future, an opportunity was afforded for a meeting with the Degesch gentlemen at the same time.

Q. Dr. Mann, on your own initiative, do you have anything to add to all of these documents which were introduced with respect to the Degesch complex?

A. Apart from these questions you put to me, I should like to mention with respect to NI 15034, - unfortunately I do not know the exhibit number, - that these are quite normal invitations to the company meetings.

THE PRESIDENT: Dr. Mann, will you repeat that document number so that we could get the exhibit before us.

MR. SPEECHER: I think if I may interrupt, --

MR. MANN: 15034.

MR. SPEECHER: Exhibit No. 2105.

THE PRESIDENT: Thank you, counsel. Now you may go ahead with your statement.

BY DR. BENNET:

Q. Very well. Dr. Mann, I have a few supplementary questions, if I may call them that, to the general questions which were put to you. To how many newspapers did you subscribe?

A. That fluctuated. As a rule I had the Voelkischer Beobachter and the Frankfurter Zeitung. I attached value to having both of them together. In the office I sometimes read other newspapers. There I subscribed to "The Das Reich" a weekly journal.

Q. You probably had some small local paper too, didn't you?

A. No. - Yes, there was the Koelnische Zeitung in Cologne, yes.

Q. Were you able to read all these newspapers?

A. What one understands by newspaper reading as a rule, I never could do, because I never had the desire, nor the time to do that. I mean by that, that I was never one of these people who read a newspaper right from the first to the last page.

Q. You already said before, replying to the question by the Pro-

secution, that you did not know anything about a public notice by the Nazis or extermination program. Did you have a document put to you after the end of the war, or a newspaper notice according to which it is shown that this extermination program was known to the German population, - or to a large part of the German population.

A. I never saw any such document.

Q. After the end of war, did you ever see the statement made by the United States of America which was mentioned by the Prosecution, concerning the mass transport of Jews to Poland, - did you ever see that report after the end of the war?

A. No.

Q. Did you at any time hear about the said protest raised by the United States.....

A. Let me understand you, Dr. Berndt. I am just wondering whether in this fat volume of documents, something like that was contained, but at any rate I did not hear anything about that during the time before Hurnberg.

Q. Before Hurnberg did you hear anything about a protest raised by the United States of America or other countries against the mass evacuation of Jews to the East?

A. No.

Q. Did you read the paper "Der Stuermer"?

A. I had to take certain official notice of two copies of "Der Stuermer" because it contained two rather violent articles against Farben. Apart from that our newspaper department placed at our disposal certain copies which were the subject of Dr. Helte's statement for Professor Hortein. Apart from that, I never read "Der Stuermer."

Q. What did the majority of Germans think about "Der Stuermer"?

MR. STRECHER: Objection.

THE PRESIDENT: The objection is sustained.

BY DR. BLUMDT:

Q. Do you still know what the headline of "Der Stuermer" always was?

A. I practically never read it and so I cannot tell you.

Q. Very well. Can you tell me with respect to which point there is a connection, "connection" under quotation marks, - between Leverkusen and Auschwitz?

A. I assume that you mean the Farben plant Auschwitz?

Q. I am asking the question the same way it was put this morning by the Prosecution. Quite objectively. He also just mentioned "Auschwitz" and nothing else.

A. From the subsequent questions concerning the teletype system I would assume that he was referring to the Farben plant of Auschwitz.

Q. But your answer referred to the connection with the concentration camp Auschwitz.

A. I really would have to clarify the sequence of these questions. My replies as to knowledge of the atrocities in concentration camp Auschwitz -

Q. I beg your pardon. I didn't ask you about atrocities. In order to avoid any wrong conclusion I would like to state my question very clearly. You were asked about your connection with Auschwitz, and you gave us a correct reply which is in the records. I just want to stress it.

MR. SPEECHER: We have the exact question here: "Now, Mr. Mann, isn't it true that you had a direct teletype system established between Leverkusen and I.G. Auschwitz?"

BY DR. BLUMDT:

Q. Yes, but Mr. Mann was asked before that about his connection with Auschwitz, and he rightfully answered that between Leverkusen and Auschwitz, there was no connection, apart from the delivery of medical drugs.

A. Yes.

Q. As a matter of fact, medical drugs were delivered to concentration camp Auschwitz in two instances, which have been established.

A. I do not think we have to limit that to two instances. We always sent medical drugs at all times and to every place where they were needed, and I do not want to limit myself to the statement that it only took place a few times.

Q. The document which was submitted only mentions two deliveries to the concentration camp Auschwitz. Mr. Mann I would suggest.....

THE PRESIDENT: Now, counsel, let's have no argument between counsel and the witness here. We understand his testimony, I think. We understand the document.

MR. SPEECHER: Mr. President, we object to this as not proper re-direct.

THE PRESIDENT: I think he's right.

MR. SPEECHER: It does not touch anything in our re-cross..

THE PRESIDENT: The objection is sustained.

DR. BECKHOF: Very well.

Q. First I would suggest that you, Mr. Mann, answer a few questions concerning the Rhono-Poulenc. Mr. Tuerck will put them to you.

DR. TUECK: Mr. Mann, did you have an opportunity to study the new documents which were introduced by the Prosecution in the meantime?

DR. MANN: No.

DR. TUECK: Under these circumstances I do not think I could well proceed to examine Mr. Mann at this point concerning these documents and I ask the Tribunal to make its recess now in order to afford Mr. Mann an opportunity to review these documents which were newly introduced by the Prosecution.

THE PRESIDENT: Very well. The Tribunal will advise until one-thirty.

(The Tribunal in recess until 1330 hours.)

(AFTERNOON SESSION)

THE MARSHAL: The Tribunal is again in session.

RE- DIRECT EXAMINATION - resumed.

DR. WILHELM MANN

BY DR. TIERCK:

Q. Dr. Mann, Counsel for the Prosecution has submitted three interrogations of yours. They are Documents NI 14495, which is Exhibit 2095, Document 14496 which will be Exhibit 2096, and Document NI 14500 which is Exhibit 2097.

Now my first question to you in this connection is, during these interrogations were the documents placed at your disposal, that is the minutes concerning the conferences in the Rhone-Poulenc matter, and the correspondence with Rhone-Poulenc?

A. No, all of the statements, as well as my extensive report and the answers during the interrogations you have just mentioned, were made from my memory without any document at my disposal.

Q. Now let's turn to Exhibit 2095. You said that Bayer could not sell any Aspirin in France; is that correct?

A. No, I have explained that this morning. I have rectified the matter. My explanation was that abroad in general, when you speak of Aspirin, you mean the chemical acetyl salicylic acid. In our business, however, we dealt with the chemical separately, and our contacts with the French firms referred to the chemical acetyl salicylic acid. I remember now that the partner we had in France for our contract, was Ocailleur, and we had a firm contract with them for 6000 kilograms.

Now this recollection of the name tells me now that we actually did have the right to sell Aspirin in France.

Q. Turning to page 4 of the Document we just mentioned, you said that in 1940 you went to Paris after the hostilities had ceased, in order to come to an agreement with Rhone-Poulenc and to take into account the new situation and to strengthen the agreements that existed up to then.

(AFTERNOON SESSION)

THE MARSHAL: The Tribunal is again in session.

RE- DIRECT EXAMINATION - resumed.

DR. WILHELM MANN

BY DR. TIERCK:

Q. Dr. Mann, Counsel for the Prosecution has submitted three interrogations of yours. They are Documents NI 14495, which is Exhibit 2095, Document 14496 which will be Exhibit 2096, and Document NI 14500 which is Exhibit 2097.

Now my first question to you in this connection is, during these interrogations were the documents placed at your disposal, that is the minutes concerning the conferences in the Rhone-Poulenc matter, and the correspondence with Rhone-Poulenc?

A. No, all of the statements, as well as my extensive report and the answers during the interrogations you have just mentioned, were made from my memory without any document at my disposal.

Q. Now let's turn to Exhibit 2095. You said that Bayer could not sell any Aspirin in France; is that correct?

A. No, I have explained that this morning. I have rectified the matter. My explanation was that abroad in general, when you speak of Aspirin, you mean the chemical acetyl salicylic acid. In our business, however, we dealt with the chemical separately, and our contacts with the French firms referred to the chemical acetyl salicylic acid. I remember now that the partner we had in France for our contract, was Ocailleur, and we had a firm contract with them for 6000 kilograms.

Now this recollection of the name tells me now that we actually did have the right to sell Aspirin in France.

Q. Turning to page 4 of the Document we just mentioned, you said that in 1940 you went to Paris after the hostilities had ceased, in order to come to an agreement with Rhone-Poulenc and to take into account the new situation and to strengthen the agreements that existed up to then.

Now my question to you today is, upon whose initiative was that; was it your own initiative?

A. At the time when I was interrogated, I made the same statement that I still maintain today, namely that it was a basic regulation issued by the Reich Ministry of Economy, and as it says here, I am quoting : " It is to be attempted to reach an agreement with the French industry in the most interesting fields". When they went on to interrogate me, I fundamentally described, in a correct and true way, what I have testified to here when you asked me.

Q. Turning to page 5 of this document, we have just mentioned, you mentioned the negotiations you had with Rhone-Poulenc. My question to you is, in this connection, what were your suggestions during your first negotiations with Rhone-Poulenc?

A. At the time I made the same suggestions I have described here in this testimony, and the restoration or renewal of our participation in the so-called old products where we were of the opinion that they were an imitation of our original chemical products; and, second, that we would arrange a mutual agreement covering the new products we both produced.

Q. On page 9 of the same document, you were asked whether by any chance you know how Rhone-Poulenc obtained the title to Theraplix.

A. In this testimony here I have stated that it was my opinion that the Theraplix had been the property of Rhone-Poulenc. This statement was wrong. I remember that the title of the majority of the Theraplix was in the hands of President Buisson. I mixed it up, and I thought that actually Rhone-Poulenc was the owner of Theraplix.

It is a fact that Rhone-Poulenc had informed us themselves that they only purchased the shares afterwards.

Q. When did Rhone-Poulenc buy these shares; after the contract concerning the foundation of the Theraplix was concluded?

A. Yes, after the contract was concluded.

Q. Now, passing to page 11 of the document, you mentioned the

position of Faure-Beaulieu, and the question put to you there is whether he had advantages at any time from the IG Farben. Do you have anything to rectify in this connection?

A. Yes, in this connection I would like to state in quite a general way that during the interrogation by the interrogator, I had on my own initiative corrected the question of the 2 per cent of Mr. Faure-Beaulieu, but unfortunately my correction went in the wrong direction. My previous statement had been correct, but the interrogator told me he was giving me 24 hours to think the matter over, and he wanted me to tell the truth, and I must admit that the Faure-Beaulieu matter was so intricate, my testimony here may have shown that it was rather a complicated matter -

It was so intricate, as I say, that on account of the urging by the interrogator, I eventually said, "Yes" that we had 51 per cent after all.

Counsel, you are well acquainted with the fact that even the experts in Leverkusen had to study the files very very thoroughly to clarify the legal situation.

Q. Mr. Mann, do you have any remarks to make with regard to the documents submitted by the Prosecution on your interrogation?

A. Concerning the minutes of these three interrogations, the only thing I can state is that, fundamentally speaking, they give you a true picture of the situation; that also they were drawn up without any documents at my disposal, all from memory, after 7 years; and I believe that after all, it is decisive, what I say now, after I have had an occasion to look at the documents, and that what I have stated here before this Tribunal now, when I was asked by you.

I must say that the final decisive statements are those I have made before this Tribunal here and now.

Q.- Now counsel for Prosecution has submitted the minutes of the trials of 29 October 1947 which is Prosecution Exhibit 1296 in order to show that the members of Rhone-Poulenc, when the contract was concluded or during the negotiations of that period, were under a certain pressure. Now my question to you, Herr Mann is: when did you make your suggestions and hand them to Monsieur Faure-Beaulieu concerning the agreement with Rhone-Poulenc?

A.- On the 5 of October 1940.

Q.- When did the gentlemen of Rhone-Poulenc see these suggestions for the first time?

A.- On the 8 of October 1940 when they were submitted by Monsieur Faure-Beaulieu.

Q.- When did you negotiate for the first time with Rhone-Poulenc?

A.- On the 29 of November.

Q.- When was the contract No. 1 signed?

A.- At the end of January 1941.

Q.- After the negotiations of November 29, 1940, were there further negotiations concerning the treaty?

A.- During the negotiations of November 29, we only had discussed the principle of collaboration and we had reached an agreement in that sense. It was first the license agreement. During these negotiations, an agreement No. 2, namely the mutual agreement, had already been discussed. The third point of discussion was that Rhone-Poulenc during this meeting had for the first time expressed the desire of an extension of the collaboration into other fields too. Now this very point showed to me at that time that in my more intuitive thought that we might have something to offer to Rhone-Poulenc, I was correct, and that I was proved correct by the way the negotiations turned out, and that was also admitted by Rhone-Poulenc.

Q.- Did any German Government agencies exert any influence on the negotiations?

A.- At no time.

Q.- Did the contracts have to be approved by the French Government?

A.- Yes, the Vichy Government in the unoccupied territory of France.

Q.- Where were Rhone-Poulenc's factories?

A.- Also in the unoccupied territory.

Q.- Do you have any clues that might lead you to believe that the German Government made, urged, or even pressed the French Government to approve Treaty No. 1 and the other treaties afterwards?

A.- I can say with certainty that that happened at no time, and that Rhone-Poulenc themselves applied for approval of these treaties with their government, and that when they applied for this approval, they would have the possibility to say to their government, "We think that this treaty is rather unfavorable to us and we don't want to accept it." Well, in that case we wouldn't have been in any position to do anything at all.

Q.- When was the foundation of the joint sales company decided? When was the first agreement concluded?

A.- The 24th of May 1941.

Q.- Did the President of Rhone-Poulenc, Monsieur Buisson, approve the participation of the Bayer firm for 51 per cent?

A.- The participation of the Bayer I.G. Firm in the firm Theraplix which was to be jointly purchased? Do you mean that 51 per cent? Well, in that case, according to the minutes which have been introduced here as a document, at the end of these minutes I just mentioned, the statement affixed at the end is, "Finally, the President of the Company, Monsieur Buisson, arrived and approved the agreements reached and concluded."

Q.- If your Honor please, may I point out to the Tribunal that the document here involved is Prosecution Exhibit 1276 which for us is Mann

Exhibit 263. When was the so-called Theraplix contract signed?

A.- In February 1942.

Q.- When did the French Government approve the treaty in a final manner?

A.- In June 1942.

Q.- At what moment was it ascertained in a decisive manner that Monsieur Faure-Beaulieu did not receive the two per cent shares as a custodian of the I.G. Farben but as confidential agent for both parties -- that is, of the Rhone-Poulenc and the I.G. Farben?

MR. SPRECHER: I object.

THE PRESIDENT: Counsel, it occurs to the Tribunal that you are going over this field a second time. After all, the purpose of this inquiry is limited and restricted to such observations as the defendant may wish to make concerning the documents, and this is rather repetitious. You have been over this field pretty fully once before. Try to hold it down specifically to the documents, and let's conclude this examination pretty promptly now.

BY DR. TIERCK:

Q. Your Honor, counsel for prosecution during the cross examination had raised the question of the participation of Monsieur Faure-Beaulieu with these 2 per cent of the shares, and he pointed to Mann Document 568 which is Exhibit 249. In this document, it was noted that Monsieur Faure Beaulieu, as far as the resale of his shares was concerned, had to submit to this resale independently of his free will. This document which was drawn up by Monsieur Faure-Beaulieu himself is dated 20 January 1942. Taking into consideration this prosecution question, my question to Herr Mann should be understood; namely, what period it was ascertained in a decisive manner that with regard to his two per cent of the shares, Monsieur Faure-Beaulieu was custodian and confidential agent for both parties. May

I point out that prosecution counsel had asked this question in order to prove that this dependence of Monsieur Faure-Beaulieu referred only to the Bayer firm and not to Rhone-Poulenc. Now my question to Herr Mann is -- Your Honor, I am going to ask a different question.

THE PRESIDENT: Go ahead.

BY DR. TIERCK:

Q.- Was the Rhone-Poulenc firm informed of the fact that Monsieur Faure-Beaulieu, as custodian was to be custodian for both parties and when was the firm Rhone-Poulenc informed about that?

A.- From the very beginning, it was known to Rhone-Poulenc that Monsieur Faure-Beaulieu was to be the custodian for both parties, and it had been agreed, first of all, with the approval of Rhone-Poulenc that Mr. Faure-Beaulieu should be the custodian of these two per cent shares for the I.G. Farben. Rhone-Poulenc at various occasions approved this agreement, as can be seen from the documents here submitted. Only when Monsieur Faure-Beaulieu refused, at the beginning of 1942, when the form of his purchase option was to be put into a legal pattern, when Monsieur Faure-Beaulieu said, "I object to it. I don't want it. I want to remain the custodian of these two per cent for both parties, the custodian to which you have appointed me." That, of course, voided all the conversations that had taken place before and only his letter addressed to us -- his letter of April 24, 1942, and his corresponding letter to Rhone-Poulenc of 5 May 1942, were the only documents valuable and valid after that date. That was the last incident in that matter, and according to my opinion and the opinion of the experts who were in charge of that matter, it was the only de facto and de jure situation in that matter.

Q.- Counsel for Prosecution during the cross examination has discussed the question of the payment of one million francs to Monsieur Faure-Beaulieu. When was this payment of one million francs made to Monsieur Faure-Beaulieu?

A.- After the third and final contract had been concluded.

Q.- Why was this payment made -- this payment of one million francs, in spite of the fact that during that period it was already a certain fact that Monsieur Faure-Beaulieu was custodian for both parties? Could you explain that to this Tribunal again in a very clear manner?

A.- At the time when it had been agreed that Monsieur Faure-Beaulieu should be custodian of those two percent for the I.G. Farben only, it had been provided that we would sort of pay this million as an advance payment to him, and therefore in the application for foreign currency covering that matter, this million francs had been entered and was counted in the whole amount. Now after Monsieur Faure-Beaulieu refused this solution and he wanted to go on holding these two percent for both parties, the foreign currency application was sort of pending. We had the approval of a transfer, and for the reasons I have described in direct examination, we did not want to reopen the case with the government agencies because in that case we would have to inform them that we didn't have 51 but in practice only 50 per cent of the shares. My idea at the time was that the million francs, which had been approved at that time already, should be used in order to pay to Monsieur Faure-Beaulieu a sum in recognition of the efforts he had made in the interest of both firms.

Q.- According to the foreign currency situation of that time, what did a million francs amount to? I mean in Reichsmarks and in dollars.

A.- I would say five thousand dollars.

Q.- In his cross examination, counsel for prosecution has also referred to Treaty No. 2 and on his question why this treaty was considered the core of the treaties and what the Bayer firm surrendered to Rhone-Poulenc on the strength of this treaty, you answered, "Out of ten new products, Rhone-Poulenc took the license for three products." Now what was the main point of this Treaty No. 2 apart from those patents, and how is Treaty No. 2 represented in making a total judgment of all three treaties?

A Treaty No. 2 placed at the disposal of Rhone-Poulenc for a duration of 50 years all new pharmaceutical inventions of the I.G. Farben, which is a concession hitherto known in one case only in the history of Bayer. Joined with this Treaty No. 2 was our obligation to give up our own active work in France. The result, therefore, was that we practically withdrew from market in France in this field.

Q Do you have to consider all three treaties as one whole?

A Not only do they have to be considered as one entire network of treaties, but they only could function only if every single one of these treaties existed. Treaty 3 was impossible without Treaty 2, and Treaty 2 would never have been concluded if Treaty 1 hadn't been concluded previously.

Q Were on the 3 contracts

THE PRESIDENT: Counsel, please don't press that any further. We well remember the witness started out on that subject by testifying to those facts. Now that is purely repetitious and we remember it.

BY DR. TUERCK:

Q Your Honor, that leaves me only one question on the subject. In conclusion, were all three treaties based on mutuality?

A Yes.

Q Your Honor, I have no further questions.

BY DR. BERNDT:

Q Your Honor, I have no questions concerning interrogation of the defendant. There is only one final question I would like to put to him: whether he, at the end of his interrogation, has anything to add on his own initiative? Herr Mann, you understood what I asked? Is there

anything you would like to explain? Then I ask you to do so.

A Well, on the strength of the interrogation of Dr. Peters in the Degesch matter today, there is one thing I would like to clarify again; namely, that the interest of Farben in Degesch was caused only and alone by the fact that the I.G. Farben themselves produced products in the field of work of the Degesch; that the cyclon was an affair of the Degussa; and that our own interest was confined at all times exclusively to I.G. Farben products. Apart from that, I have nothing to add to my statements with regard to the fact whether I or my colleagues in the Verwaltungsausschuss knew about these matters, and I can only say that on the strength of our agreements, we knew practically nothing concerning the business affairs of Degesch. But there is one other thing I would like to add. We, that is the defendants in this trial, even if in the framework of the legal situation we were only at the borderline of the occurrences, we were drawn into events of which the whole German people will always think only with the greatest horror and with the deepest shame. We, in our circles, never considered it even possible that such horrible crimes could happen. I would like to express here that we feel the deepest horror about the fact that these abominable happenings could occur, and I want to say also that we are deeply depressed, but that all the clearer we have to express and can express with a good conscience that the I.G. Farben, as a firm, and that the Vorstand of the I.G. Farben and no member of the I.G. Farben was in any way, even in the slightest, connected with these horrible occurrences.

? No further questions, Your Honor. Your Honor, I only have to say that all the business reports of the Degesch from

1939 to the end of the war should be submitted. The prosecution have submitted some of them, but I may express the request that I be permitted to submit the rest to the General Secretary and that once the rest of the reports are translated, I make them available for the Tribunal too.

MR. SPEECHER: Mr. President, I don't quite see what the purpose would be. I can only see a rather negative purpose which I should think could be covered very well by a statement either from this defendant or any witness or by an affiant as to what these voluminous materials might cover. We merely want to establish that there were such types of discussion, which we think we satisfactory did. I only mention that to you for what it may be worth. We obviously have no strong feeling about it except that the total amount of paper is still increasing a great deal, and perhaps there are some points whereby with a different arrangement, perhaps agreeable to both of us, we can conserve somewhat.

THE PRESIDENT: You gentlemen can discuss that informally. That is all, Dr. Berndt?

DR. BERNDT: Yes, Your Honor.

THE PRESIDENT: Anything more? I trust, gentlemen, that this is not going to resolve itself into a question of exercise of what is generally regarded as a feminine prerogative of having the last word. We have carried this along pretty far, and how many questions have you, Doctor?

DR. NEWMAN: Just one.

THE PRESIDENT: Fine. Ask your question.

RECROSS EXAMINATION

BY MR. NEWMAN:

Q You just testified that only through the persuasion of the interrogator, namely me, you corrected your statement

to the effect that Bayer held a 51 per cent share in Theraplix. Now is it not true that about six months before you were ever interrogated in Nuernberg, you made a statement to the same effect: 51 per cent participation of Bayer, to the Economic Division, Decartelization Branch, Control Office, I.G. Farben?

A Now, Dr. Newman, that is not correct. That wasn't the testimony. That was a report from the department at Leverkusen -- a report which was added to this decartelization brand report.

Q And you were the author, were you not?

A I put together the general report, but that was not an interrogation like we are used to having them in Nuernberg.

Q No further questions.

THE PRESIDENT: Now, gentlemen, are you all through with this defendant? You are excused and may return to your regular seat.

(The witness is excused.)

Are you ready to take up your case, counsel?

DR. BEHNDT: Your Honor, may I make an application for Dr. ter Meer? I ask that Dr. ter Meer be excused on Wednesday.

THE PRESIDENT: Yes, that request will be granted.

DR. HENZE: I ask for permission to begin my case in chief for Dr. Oster. Now before I start to interrogate my client personally, I ask permission to submit to the Tribunal Document Oster 1 as Exhibit Oster 1. This, Your Honor, consists of two charts drawn up by the employee and subordinate of my client, Dr. Ernst Benn. This man made an affidavit of 23 March 1948 where he swore to these two charts

5 April-4-11-17-5-Gaylord (Int. Treidell)
Court VI Case VI

as being correct. These two charts show the organization of the Nitrogen Syndicate. The first chart headed "Organization of the Nitrogen Syndicate" is a survey concerning the partners in the syndicate and its organs; while the second colored chart gives an indication concerning the members of the management and shows furthermore for what departments these individual members were responsible.

DR. HENZE: As far as my own client is concerned, I may point out that the departments colored in red were under his responsibility and the departments framed in red were under the authority of his colleagues - that is other business managers - while he kept the general management of these departments. I do think, however, that for the interrogation which I am about to start, this chart might be of value for the Tribunal. Your Honors, I ask permission to call my client, Dr. Heinrich Oster, as a witness in the witness box in his own case.

THE PRESIDENT: The defendant Oster may take the witness stand.

(Heinrich Oster, defendant, took the stand as a witness in his own behalf)

Dr. Oster, you will be sworn. Raise your right hand, say "I", and state your name to the Tribunal for the record.

THE WITNESS: I, Heinrich Oster --

THE PRESIDENT: Now please repeat the oath -- swear by God the Almighty and Omniscient, that I will speak the pure truth, and that I will withhold and add nothing.

(The witness repeated the oath)

You may be seated.

DIRECT EXAMINATION

BY DR. HENZE:

Q As Exhibit number 2 I am submitted to the Tribunal an excerpt from the audition report of the Berlin Finance Department, Friedrichstadt, of 30 September 1942. I jointed to this report a list concerning the capital stock, the business managers, the turnovers, and the staff of this nitrogen syndicate. This list is gathered and taken from this report, and it tends to explain to the Tribunal the importance of the firm which was the main field of activity of my client. Dr. Oster, for the record, will you please state your name and age.

A Dr. Heinrich Oster, and I will be seventy next month.

Q Will you please tell the Tribunal whether you are married or

single.

A I am married and I still have three children. One of my sons was killed during the war.

Q How long have you been in custody?

A Since 31 December 1946.

THE PRESIDENT: Dr. Oster, would you please go a little bit slower and pause after the question and before your answer so the translation reaches us.

BY DR. HENZE:

Q Will you please describe, in a few brief words, to the Tribunal, your professional career.

A After I had the usual school career in grammar school, I became a soldier in 1928 for one year. From 1899 to 1903 I was a student at the Technicum in Berlin. I studied technical chemistry and graduated as an engineer with a state diploma. After that I studied at Berlin University, physics and chemistry, and in 1905 I graduated as a doctor. Apart from this theoretical instruction, I also got a practical education by working during the long university holidays, as they are customary in Germany, as a worker. Thus I worked altogether for about two and a half years in the repair workshop of the Reich Railways, in a foundry, in a fitter's shop, forge, in a tool factory, in a carpenter shop, and in many similar installations. This activity was not proscribed by the study program of the Technicum or of the University of Berlin, but the initiative for that work was my tendency towards practical work, and I did it also because I wanted to gain personal experience concerning the manner of life, thought, and work of the common laborer.

Q Dr. Oster, you just made a mistake there. When you spoke about your year of military service you spoke of 1928.

A I'm sorry, I mean 1898.

Q Now, what about your further career.

A In 1905 I was hired by the joint stock company for Aniline Fabrication of the Agfa in Berlin, as a chemist. First I worked in the

scientific laboratory and then I became assistant plant manager and then plant manager of an I.G. Farben plant. In 1911 I became one of the business managers of the Agfa Dry Photographic Plates factory. In 1914 this activity of mine was interrupted by the First World War which I participated in as an officer. I was wounded several times and I lost one eye. In 1917, as I had been severely injured, I was detached as a commissioner to the Badische Aniline and Soda factory. There my task was to assist the firm in obtaining building materials, machines and so on and so forth, for the construction of the Works Oppau and Merseburg. Thanks to this activity, Professor Bosch requested me to join the services of the Badische Aniline and Soda Factory. Thus I became one of the directors of the Leuna Plant.

Q What was the production of the Leuna Plant?

A During my period of activity Leuna produced ammonia, methanol, gasoline, and similar products.

Q How long did you stay there?

A Until 1928.

Q What was your main field of work there?

A Above all I worked on organization questions. I conducted negotiations with the government agencies, and particularly I was charged with the then very difficult social and labor questions.

Q And why were these questions so difficult?

A Germany was going through very restive political periods then, with great economic difficulties caused mainly by the inflation. The central German area was a constant hotbed of political unrest and during this period we had quite a bit of political unrest in that area. The initiative was taken by the Communists and at various times civil war was brought about. Once the Leuna Plant was even occupied by insurgents and had to be freed by the Army.

Q Mr. Oster, as we are just speaking about politics, perhaps you could report something concerning your political attitude, first of all at that time.

A During the ten years when I was director of the Leuna Works, I had learned to know on the one hand the misery and difficulties of the laborers. I had experienced direct from a very short distance the worries about unemployment, and with anxiety I saw the constant economic decline in Germany. The danger of the stopping of operations in the Leuna Works where I had worked was quite possible, and I saw it quite clearly. On the other hand I could also see the consequences of political struggles caused by the agitations of communism. A reasonable social attitude, taking into consideration the justified interests of the working class seemed to me the thing to be aimed at. Above all I saw the disadvantages arising for the German people from the multitude of parties and opinions as far as economics were concerned.

Q What was your position to National Socialism?

A The last governments before Hitler had not succeeded in doing away with the economic difficulties and mastering them. I was very doubtful about Hitler. On one hand I was afraid that his manner and appearance would give cause to difficulties in the field of foreign policy, and I was afraid that the Western countries would intervene. We had known already the occupation of the Rhine and Ruhr area by the French and we still remembered its very disadvantageous economic results, and Germany, at that time, had no defense at all. In other words, I very seriously was afraid that there would be war by the intervention of foreign powers. On the other hand, however, I had to ascertain that through his economic measures Hitler was mastering the economic misery in Germany. The figure of unemployed decreased and in all fields a boom could be seen. At the time there were quite a number of things which I was impressed with. That I have to admit.

Q. Did you join the Nazi Party at that time?

A. No, in spite of the recognition which I felt for the various measures taken by National Socialism, I still could not be in agreement with some of the points of the program which seemed to me points of principle.

Q. Will you describe these few points in a few brief words.

A. One was the hostile attitude the Nazi Party took against the church. My family and myself at all times were faithful to the church. My parents and myself had always a very friendly relationship with a number of Jewish families in Berlin. When my father, who was an officer, had to retire from the armed forces because he was sick, and as he got into financial difficulties on account of that, these Jewish friends were just the people who offered their services to introduce him to Emil Rathnau, the founder of the AEG, and there my father succeeded in creating for himself a very reputed position which made it possible for him to give me and my sister the same good education he had been able to give us before. I would have felt cheap if I had joined the Nazi Party, a Party which considered the Jews as a human being of second category.

Q. Mr. Oster, but you did join the Nazi Party ten years later, didn't you? Can I assume that you got over your misgivings by that time?

A. No, on the contrary. Certainly with regard to the situation in the field of foreign policy I had quieted down more and more, when I saw that my initial anxieties were not justified and that Hitler, in the field of foreign policy, really had a more clever hand than I had imagined. The paramount feature for my attitude was, it is true, that in the two points I just mentioned, namely the church and the Jewish questions, National Socialism pursued a policy which went more and more against my own inner attitude. A stronger and stronger opposition to National Socialism developed in me.

Q. This opposition - did you voice it?

A. I voiced it in many things, yes. For instance, in the nitrog-

syndicate, in my own plant, I never placed anybody at a disadvantage because he was not a National Socialist and I didn't make any difficulties for somebody who wasn't a Nazi and that was demanded of me. In the plant I tried to keep the Jewish employees we had, as long as possible. When, on account of the political pressure, they had to leave, I facilitated that departure from the economic viewpoint. Some people who had to leave us for this reason were placed by us in very good positions abroad. Half Jews who worked in the syndicate remained and worked in our plant until the end of the war. Of course, I could not openly declare war on National Socialism, by, for instance, sabotaging the political regulations, according to which our enterprise had to work at that time. By doing that I would have given little help according to the judgment I had of the matters at that time. The only thing I would have done would be to make impossible the silent activities I had in favor of those who had difficulties with National Socialism and if I had voiced my objections I would have had to discontinue this work.

Q. When did you join the Nazi Party?

A. In February 1941. At that time I received information that as from February 1940 I was a member in the Nazi Party. After the German Labor Front or the plant Nazi official of the nitrogen syndicate had applied for my membership without my knowledge.

Q. Well now, as you had this opposition attitude, why did you join the Party after all?

A. Well, certainly not from my inner convictions because it was grotesque that I was made to join the Party at a period when I was far more distant from National Socialism in my inner feelings than in 1933. At that time I didn't think that I would have any personal advantage from my joining the Party. I was already sixty-three years old, and at various occasions I had already expressed a desire to be pensioned. A resignation from the nitrogen syndicate, in case I'd be rejected, wouldn't have made me very sorry. Perhaps that would have given me the possibility to be

pensioned. I had tried that several times without success. But, I thought it was better to submit to the pressure, because otherwise I would have harmed my enterprise and particularly those employees who, in accordance with the then prevailing conception, were not politically clean -- I wouldn't have done them a favor and I thought I wouldn't have done, a favor to my foreign friends and partners in the occupied territories whom I had often occasion to help, and I thought I could help them better in this way than if I had made a demonstration by rejecting membership in the National Socialist Party. After all, for more than ten years I had worked with success in view of an international collaboration on nitrogen. My only interest was that this work was not completely jeopardized by the war, if, for instance, from the political dignitaries, a successor for me, who was more likely to be approved by the Party, would have been approved by the syndicate.

Q. We will come back to your statements you have just made at a later time, Mr. Oster. I think that for the time being we can leave that topic. There are a few short questions. Did you hold office in the Nazi Party?

A. No.

Q. To what National Socialist organizations did you belong, apart from the Party.

A. I became a sponsoring member of the German Aeronautic Sports Association which later was transferred to the National Socialist Flyer Corps in 1935.

Q. Will you please tell us how that came about.

A. The son of my driver, whom I knew ever since he was an infant, was a very enthusiastic glider pilot and he was a member of that sports organization. These boys would build model planes and would advocate their association in order to get sponsoring members in order to get the money for that kind of work. I fulfilled this desire by paying a membership fee of two marks. For similar reasons I became a sponsoring member of an SS

Cavalry Storm at Ehlendorf. One of my syndicate employees who was a member in that association asked me for that. Prizes for cavalry tournaments were given out of the money paid by those promoting members a riding hall was built etc. In the summer of 1939 I stopped the payments. I think my membership fee was ten or fifteen marks.

Q. Did you fly once in the organization or did you ride or did you take any other active part?

A. No, I didn't attend the flying manifestations nor did I attend the cavalry meetings. After all I wasn't a member for political or ideological reasons. All my life I have been a sportsman and I was very much in favor of these boys indulging in sports rather than in politics -- at least during Hitler's time.

Q. Were you a member of the German Labor Front.

A. Yes, as everyone who was employed in the industry. Apart from that in 1935, as far as I remember, on the strength of my social experiences and also without my own initiative, I was called into some of the committees of the Labor Front. Those committees that dealt with pay and salary questions. However, I could not take part in meetings because I was overburdened with work, and therefore, after two or three years, I was withdrawn from those committees again. The nitrogen syndicate, ever since its foundation in 1919 was considered socially a very progressive enterprise, and to its greatest regret, even the German Labor Front had to recognize that fact. In our firm they could not introduce any improvements and therefore I would like to mention also that like many hundreds of other enterprises, the syndicate, as early as 1934, received the so-called Gau Diploma for special achievements in the field of social questions.

Q. One more question. Did you pay any contributions beyond the normal contributions to the Nazi Party?

A. Apart from the contributions for the Winter Relief which, in Germany, were aimed at a certain percentage of the income, I only once -- and I mention it in order to be quite precise -- made a contribution of two hundred marks to the Nazi Party in the district where I lived. The purpose was to lodge two boys who were refugees from Eastern Prussia, because I had not been able to fulfil my promise and to accomodate the boys myself.

Q. To settle this question, and in order to complete the picture, I would like to ask if you were a Wehrwirtschaftsfuhrer?

A. No.

Q. What were your relations with the Armed Forces?

A. I had no connections with the Armed Forces at all. It is true that once, in 1940, I went to visit the Chief of the Military Economic Staff, General Thomas. However, there was a special, private--or, should I say a private business reason. For, a few days before Norway was being occupied and it was my desire to help, as soon as possible, my friend, the General Director of the Norsk-Hydro in Oslo, and his staff members. I was aware that, as very patriotic Norwegians, they would get into trouble with the occupation forces.

As a normal traveler, I had no chance to go to Norway at that time, as hostilities were in full swing. Therefore, I went to see General Thomas and I suggested to him that I wanted to investigate the situation of the products of nitrogen in Norway. In that way I could fly very quickly to Norway in a military plane. When we landed, however, we got a little air attack -- by British planes.

Q. May I ask you to give us the name of the General Director of the Norsk-Hydro? The man you just mentioned.

A. Dr. Axel Aubert. That was my only connection with the Armed Forces since 1928.

During the war the Statistics Department of the Syndicate received a few requests concerning the volume of the nitrogen production capacity of other countries, and, on the strength of the documents, the statistics

department had to answer these requests. Here again the figures were only based on newspaper excerpts because no other documents were available. In this connection I would like to mention that information by the Syndicate also referred to such requests. This information is contained in Prosecution Document HI-7796, which is Prosecution Exhibit 922, Volume 49, English page 15.

Q. Herr Oster, I think that brings us to a conclusion of one chapter, and I would like to take advantage of this opportunity to submit to the Tribunal a few documents.

DR. HENZE: If your Honors please, as Exhibit 3 for Oster I am offering an affidavit by Georg Schikora, a former employee of the Nitrogen Syndicate. It is Document Oster No. 4. I am now submitting as exhibit 4, an affidavit by another employee, called Dr. Ernst Bonn, which is Document Oster No. 5. The next exhibit I am offering is Exhibit 5, which is Document 5A, an affidavit by a former director of the Nitrogen Syndikat, by the name of Otto Wahl; followed by Exhibit 6, which is Document 6, an affidavit by the former I.G. Farben employee, Dr. Hans Roetger.

The next affidavit I am offering will be exhibit 7, Document 7. It is also an affidavit made by the lawyer, Dr. Walter Schmidt from Berlin, who had no professional connection with Herr Oster. He has given us a survey concerning the personality of the defendant and his attitude towards the persecutees of the Nazi regime. The next exhibit is No. 8, and I am offering document No. 8 as such. This is an affidavit by a former employee of the Nitrogen Syndicate Fritz Werther, expresses his views of the reasons for which Dr. Oster joined the Nazi Party, and on his general political attitude. I am offering as Exhibit 11, Document No. 11, an affidavit by Dr. Peter Assmann. He also used to be a member of the Nitrogen Syndikat, and his affidavit deals with the political attitude of the Defendant at present in the witness box.

I am offering Document No. 12 as Exhibit No. 12. It is an affidavit by another employee, Eduard Henze, and he reports on the support given by Herr Oster to him when he was arrested by the Gestapo.

If your Honors please, this brings me to Exhibit No. 13, which is Document No. 13, and an affidavit by Dr. Adolf Schuelo, defined here as having worked in the Nitrogen Syndikat, and is now business manager of the Chamber of Industry and Commerce in Mannheim. He speaks about the fact that Dr. Oster did not try to make the employees of the Nitrogen Syndikat join the Nazi Party.

DR. VON LETZLER: If the Tribunal pleases, may I make a brief observation, with the permission of my learned friend Dr. Henze.

I have just been informed that in the Krupp trial, upon a similar motion as has been filed in this trial, the Defendants have been acquitted under Count One, preparation of aggressive war, and under Count Four Conspiracy. I may respectfully point out that this decision has been reached in the Krupp Trial, in spite of the fact that the case of the Prosecution there is not closed because several of the Prosecution witnesses have not yet been cross-examined.

Therefore, I take the opportunity to ask respectfully for a decision of this court, because such a decision, if it would be favorable, would not only shorten considerably the examination of the Defendants who are now taking the stand, but it would also have a considerable influence on the documents which we are going to submit now to the Court and on the closing briefs which we are just now preparing.

THE PRESIDENT: Thank you Counsel. The Tribunal will take the matter under consideration. And, I might say that it is so near our recess time now, that we will rise.

(The Tribunal recessed for 15 minutes)

THE MARSHAL: The Tribunal is again in session.

DIRECT EXAMINATION - Continued

BY DR. HENZE:

Q. Mr. Oster, we shall now turn away from politics. You said before that up to 1928 you were active with Leuna. What did you do afterwards?

A. Since the head of the Nitrogen Syndicate, Dr. Buer, a former Vorstand member of Farben, wanted to leave his position because of old age, I was proposed to become his successor.

Q. What was the Nitrogen Syndicate?

A. The Nitrogen Syndicate was an independent firm in Berlin, and it was composed of all the Nitrogen producers in Germany. It had to deal with the sale of Nitrogen which was used by all German Nitrogen factories.

Q. That meant that you changed over to another firm did you not?

A. I can neither answer this question in the affirmative or in the negative. I already stated that the Nitrogen Syndicate was an independent firm. Farben, however, had considerable participation in that firm. Farben delegated me to its business management, and on the strength of the contracts it was the privilege of Farben to do so.

Q. Did you remain in the Vorstand of Farben?

A. Yes.

Q. Did you have a special task or a special field of work within Farben?

A. No, Farben didn't have its own sales organization with respect to Nitrogen because that had been transferred to the Nitrogen Syndicate. Formally, I was the head of the sale for the fertilizer Nitrogen for Farben, without actually holding a proper office within Farben.

Q. Why didn't Farben have its own sales organization for Nitrogen?

A. When establishing the Nitrogen Syndicate in 1919, all the companies affiliated with it forewent the independent sale of fertilizer Nitrogen. Starting from 1930, the Nitrogen Syndicate even sold technical

Nitrogen. The prices of Nitrogen products were fixed by all the producers of the Syndicate upon their meeting. These had to be confirmed by another circle in which also members of the government and agriculture were represented. They were members of the Administrative Council of the Nitrogen Syndicate. Such were the reasons why there was no independent Farben sales organization for Nitrogen.

Q. Thank you very much. Mr. Oster, I should now like to ask you who the companies buying from the Nitrogen Syndicate were. Perhaps you will use the chart in replying to me, and I'm sure that will be helpful to the Tribunal.

A. Your Honors, you will find that explanation on Table 1 of the non-colored chart. This chart will show you which were the companies forming the Nitrogen Syndicate. There are three large groups: One group on the left-hand side are the Synthesis Works. Those produced Ammonia. The square on the very right are the Calcium nitrate plants. And in the middle you will find the producers of by-products; that is to say, those plants who produced sulphate of Ammonia as an auxiliary product in coking plants, gas works, foundries, etc.

Q. Mr. Oster, I don't think we have to discuss the individual share-holders because we see them from the chart. But tell me what the tasks of the Syndicate were.

A. I don't want to use too many words on that subject, and I might say briefly that the Synthesis Works--there were seven (7) of them--and the nitrogen of lime plants had six (6) share-holding companies; and we had about 150 coking plants, all of whom were part of our share-holding companies. The Nitrogen Syndicate was the only organization authorized by the German Government through which the Nitrogen industry could sell its products. This was done in the field of nitrogen fertilizer through four channels. That is to say, wholesale trade, agricultural trade, co-operative unions, and the mixed fertilizer factories. That also holds true of the United States. For the sale of fertilizers and Nitrogen products for technical purposes there were two syndicate departments,

since products as well as buyers varied. The Syndicate itself did not aim for any profit. Of the brutto turnover, it retained its sale expenses--transportation, commissions, advertisement expenses, etc.--and the rest of the profit was distributed amongst its share-holding companies.

Q. Upon what contracts was the work of the Syndicate based?

A. The Syndicate's work was based on two contracts. The first contract, of relatively less importance, was the contract of Nitrogen Syndicate G.m.b.H., the so-called "G.m.b.H. Contract." It provided for the distribution of the company's 240,000 Reichsmarks capital, amounting to 240,000 Reichsmarks among the partners; it also provided regulations concerning the boards of the G.m.b.H. These were principally the Administrative Council, which consisted of 26 members, elected by the partners of the company, among which there were six representatives of Farben, three representatives of the government, and two representatives of agriculture. The government representatives were appointed by the Reich Ministry of Economics and the Reich Ministry of Food. When establishing the Syndicate, the Reich was represented as the chairman of the Administrative Council. That practice was later discontinued. Starting from 1919, up to 1933, the trade unions were also represented with two members. The Plant Council of the Syndicate was also represented by two members. The second circle was the Partners' Assembly (stockholders' meeting). They decided upon the yearly budget, profit and loss accounting, personnel matters, and other details concerning the business of the companies. That meeting took place only once each year. The third body was the Business Management. The Reich originally had one representative appointed to the Business Management.

The second contract, far more important for the work of the Syndicate, was a contract on the strength of which, between each of the companies and the G.m.b.H., a company under civil law was established. Within the frame of that contract the entire work of the Syndicate was

conducted. It actually represented the real Syndicate contract. It contained regulations concerning fertilizer Nitrogen and technical Nitrogen, and it also arranged for the fixation of the quotas, the Syndicate prices, the accounting of the Syndicate with its partners, quality regulations, regulations pertaining to agricultural advertising; and it also provided for the activity of three company boards under civil law. These boards were principally the Business Management, which was identical with the Business Management of the G.m.b.H. Secondly, there was a Producers' Assembly. This was not identical with the company meeting which I just mentioned. In this meeting all the producers who delivered Nitrogen were represented partly personally and partly by others. The Producers' Assembly drew up the Syndicate's general policy, drew up the conditions for purchasing and buying; and they decided upon the introduction of new products and about the acceptance of new members, and they approved the conclusion of all contracts by the Syndicate etc., and this meeting was held several times during the year.

Q. Dr. Oster, I should like to know who was in charge of the Syndicate, and I should like to ask you to take hold of Table 2, which I think will facilitate your reply.

A. The Business Management was the head of the Syndicate. This management consisted of four regular and one deputy business managers. According to the contract two of these managers belonged to Farben, and one was appointed by the Aktiengesellschaft der Kohlenwerkstoff Verbaende. The Business Management was responsible to the Administrative Council of the Syndicate and had to represent the interests of all the partners. The Business Managers circle, according to directions by the Administrative Council, had worked out a division of tasks. This chart shows us how the individual business managers in the Syndicate were responsible for the various departments. All these squares painted red were under my supreme responsibility. This concerned the sale of fertilizer Nitrogen at home and abroad. For sale at home I had one of my colleagues of the managers' circle at my disposal, and I also had one of my colleagues at my disposal for sales abroad. I personally also dealt with international conventions. I was responsible for the personnel department and also for the administrative department. Everything else is clearly shown by the chart. Apart from the fertilizer sales at home and abroad I was in charge of negotiations with authorities and other firms in the field of fertilizers nitrogen.

Q. Mr. Oster, how big was the staff of this Syndicate?

A. The Syndicate had a staff of about a thousand persons. Among them, apart from the five business managers, there were 60 departmental directors, 20 procurists, and 15 trustees with power of attorney.

Q. What was the extent of the Syndicate's business?

A. During the last year before the war, from 1938 to 1939, the Brutto turnover of the Syndicate amounted to approximately 580 million Reichsmarks; approximately $4\frac{1}{2}$ million tons of products were sold.

Of those tons 83% were sales at home; and 17 % were sales abroad. In the year from 1927 to 1928 the share of the export business was 40%. From the years up to 1938 to 1939 it decreased slowly. That was because of the Nitrogen factories' being established all over the world, and secondly because of the highly increased indigenous consumption.

DR. HENZE (Counsel for defendant Oster):

Before leaving this field I should like to offer a number of documents which refer to the testimony of the witness. As Exhibit 14 I offer Document No. 3. This is an affidavit of several leading gentlemen of the German nitrogen industry with whom Mr. Oster collaborated for many years. This joint affidavit gives us some impression of the business activity of my client in the nitrogen syndicate.

Mr. President, there is one deficiency because the certification is momentarily still lacking. I shall submit the certification at a later time, and this is merely a technical oversight.

MR. SPRECHER: We have no objection to that as it now stands, Mr. President; I have read through the affidavit.

THE PRESIDENT: Very well; you may supply the certification later for the record.

DR. HENZE: As Exhibit 15 I shall now offer an affidavit of Friedrich Carl Mueller; the affiant is a member of the Vorstand of the Ruetgers-Werk A.G. He is known to the Tribunal because he appeared here at one time as a witness. This is Document 14 of my book.

As Exhibit 16 I shall now offer an affidavit of the lawyer Dr. Sander. You will find this under No. 15 of the document book. Dr. Sander was formerly the legal advisor of the nitrogen syndicate, and he gives us a survey of the manner in which my client conducted the business in a neutral manner and in the interest of all partners. He continues to state that there was never a vote taken at the company's meeting, and Mr. Oster was always successful in bringing about some friendly understanding. In the case of a conflict of interests between Farben and other partners, Dr. Oster always left it to another gentleman of Farben to represent the firm's interests, and he always kept in the background in that connection.

As Exhibit No. 17 I shall now offer Document No. 30. This is an affidavit of the deputy business manager of the nitrogen syndicate, Otto

Wahl, who simultaneously gives us a report on the manner in which my client conducted his business.

BY DR. HENZE:

Q. Mr. Oster, I should now like to hear something about your activities on behalf of Farben in Berlin. In that connection I should like to ask you to discuss the actual tasks of Farben with which you, as a member of Farben, had to deal.

A. These tasks were certainly not very numerous. The Central Committee of the Vorstand, in 1932, on the occasion of a Vorstand meeting, had provided that Dr. Buetefisch would maintain a close connection with the nitrogen syndicate; even if he didn't have sufficient time at his disposal, he yet managed, as from that time, to deal with many of the questions concerning Farben which arose at the syndicate or with which the syndicate had to deal. In the case of conflicts which occasionally came about between the partners of the syndicate and Farben and which the business management of the syndicate could not settle itself, Dr. Buetefisch or the head of the Sparte Bureau of Sparte No. 1 represented Farben when trying to settle these disputes.

During such conferences I tried to assist everybody concerned as an impartial member in order to do away with all the difficulties. I did that in all other cases in connection with other companies. As a representative of Farben, however, I took a great deal of care with respect to the contractual relationship with Norsk Hydro, and with that company I discussed the entire sale of the hydro production.

Q. For such purely Farben questions, did you have a Farben organization at your disposal, and how large was it?

A. The only Farben organization at my disposal in that connection was the Badammon office. It was not large and apart from its head and its deputy it employed only four persons.

Q. Who was the head of that department?

A. That was Dr. Benn.

Q. Dr. Benn makes some statements in an affidavit, Document No. 19 which I shall submit as Exhibit No. 18. I should like to quote the following sentence in that affidavit: "About ninety per cent of Dr. Oster's work was devoted to the tasks of the nitrogen syndicate."

Mr. Oster, did the Badammon office have any further tasks?

A. Yes, the office maintained the connection with the Sparte office of Sparte 1. In addition it decided upon all questions which arose between nitrogen factories of Farben with respect to production, dispatch, storage, etc. The office was a liaison department between the syndicate and Farben. It also dealt with the conclusion of contracts which Farben concluded with other partners of the syndicate, as, for example, the processing of its ammonia into fertilizers in the factories of Farben. The conclusion of such contracts was handled by the Sparte office at Ludwigshafen.

Q. These, then, were your duties in Berlin as a representative of Farben. What specific syndicate tasks did you have to deal with on behalf of Farben?

A. The activity of the business managers in the nitrogen syndicate was in some way that of a trustee for all companies. Since its establishment the syndicate was in no way a part of the Farben organization. Its business activity was conducted according to the provisions of the syndicate contract, which I mentioned, which applied to all companies equally, be they small or large. The syndicate's policy was influenced to a far-reaching extent by the smaller partners of the syndicate. I know of no case where the larger production capacity of Farben would in any way outdo a smaller partner. As my counsel has already mentioned on the strength of one of the affidavits, a vote had never to be taken, and we were proud in always being able to succeed to overcome difficulties in a friendly way, even after some long negotiations.

Q. To whom of Farben did you report on your activity with the nitrogen syndicate, and were you obligated to report?

5 April 48-A-SW-24-4-Schwab (Ramlar)
Court 6, Case 6

A. Up to 1937, the end of 1937, it was customary that all members of the Working Committee which had existed up until then regularly reported on their fields of work, and I did that too. During the Vorstand meetings after 1937 this was no longer the case generally.

Therefore up to 1945, I only very seldom reported to the Vorstand. On the other hand, I repeatedly reported to the Chairman of the Vorstand, Mr. Schmitz. Schmitz, for instance, was interested in the moneys received by the nitrogen syndicate. These amounts changed according to the situation of agriculture and these were large sums. Since the foundation of the International Nitrogen Convention in 1930, he was its president. And he therefore wanted to be informed about the activity of the syndicate and in particular about its foreign relations. In the same way, my colleague Hanser, who was in charge of the Technical Department of the syndicate, reported to Mr. Schmitz about his field of work. I furthermore attended, up to 1938 quite frequently and later only rarely, these Sparte meetings of Sparte I. During such Sparte meetings, the Sparte head gathered the leaders of the individual nitrogen plants, the representatives of Farben's Agricultural Department, and the heads of the sales organization for fertilizer and technical nitrogen were also invited. The status of production was generally reported and also the development of new fertilizers and improvement of old ones license agreements; and other questions in the nitrogen field were also dealt with. I reported here at great length about the most important business events having taken place in the syndicate and about our general experience in the fertilizer business. Furthermore, I reported on negotiations of all sorts conducted by the nitrogen syndicate with German and foreign partners. Furthermore I informed the members of the meeting of specific experience which the syndicate had made when selling the nitrogen products produced by Farben. I reported on complaints by our customers etc. The reports made by me during these Sparte meetings were identical with those reports I made on the occasion of the producers' assemblies and the administrative council meetings of the syndicate.

Q Did you also attend the meetings of the Commercial Committee of Farben?

A As it becomes apparent from my curriculum, from 1905 until 1928, I was active as a technician with Farben. I did gather important

experience in the organizational field but on the other hand I had only slight experience in the commercial field. Consequently it was of interest and valuable for me to attend the meetings of my commercial colleagues of Farben. These general questions pertaining to commercial business were principally discussed. There, I was in a position to learn something. The nitrogen fertilizer business with respect to its entirely different circle of customers, that is agriculture was not at all to be compared with the fields of work of the other sales combines. That meant that in the sales field we had no communal interests. Therefore it was natural that my interest as to the development of these Spartes and as time went by, and in line with the expansion of my own sphere of work, became less and less. I had my own worries.

Q The Commercial Committee discussed various measures of the sales combines and joint policies with respect to sales. What was your position with respect to the policy discussed there, since you yourself were not in charge of a sales combine of Farben, but were the business manager of the independent nitrogen syndicate?

A I always followed the discussions of the Commercial Committee with great interest, because I always wanted to know how the commercial men of Farben evaluated the economic position. The participation in these meetings often meant to me a very interesting source of information. Since, however, the nitrogen syndicate was independent, I was not obligated to obey any policies of the Commercial Committee in my office of the nitrogen syndicate. As business manager of the syndicate, I was responsible to the Administrative Council of the syndicate. Naturally, whenever any positions taken by the KA seemed to be important and of interest, I could suggest their policy in the nitrogen syndicate, G.m.b.H. but that was a purely personal matter. In effect that was not very often the case because the situation in the syndicate was essentially different from that in Farben.

Q Apart from the regular meetings of Farben, that is to say Vorstand and Commercial Committee meetings, did you discuss business

matters with Vorstand members of Farben?

A As a matter of fact, I only discussed such matters with Dr. Buete-fisch, with whom I was friendly since my time at Leuna. In addition, he was the Chairman of the Technical Committee of the nitrogen syndicate and Chairman of the Committee of Experts of the International Nitrogen Convention. Since I resided at Berlin, I saw the other colleagues of the Vorstand, spread all over Germany, very seldom and only about six or seven times, on the occasion the official meetings. I maintained only very scarce correspondence with Farben and I only remember very few circulars which I sent to the colleagues in the Commercial Committee referring to my business. Of the circulars of Farben, as far as they reached me at all, I only took notice if they were of general interest. They meant for me only a source of information as every other economic publication.

Q At the end of the war, in 1945, had you already left Farben?

A In 1938, when becoming sixty years of age, for personal reasons it was my desire to retire, to which I had a contractual right. Mr. Schmitz, however, thought that I should stay on and therefore the search for my successor was not carried out with the zeal which I would have desired to see. After two attempts, only in 1944, upon my urging, was Dr. Krueger designated as my successor and began to train for his position. The management of Farben, having realized the fact that my activity in the syndicate had only very little contact with their business, thought that my successor — who was only a Deputy Director of Farben would not be called into the Vorstand of Farben on the occasion of his appointments to the syndicate.

Q Concluding this chapter, I should like to ask you one more thing. In the annex of the indictment you are charged with having been responsible for having sold oils of Farben.

A I think that is wrong, and I think there is some misunderstanding. No evidence to that respect has been submitted.

DR. HENZE: In connection with what has been discussed, I should like to introduce three documents. As Exhibit 19, I shall offer Document 16. This is an affidavit of a former Vorstand member of Farben, Dr. Pistor. He gives us a very good description of the sphere of responsibility within the Vorstand.

As Document 20--I beg your pardon, as Exhibit 20, I shall now submit Document No. 18. This is an affidavit of the witness Dr. Kurt Kruoger, already known to the Tribunal. He talks about the Commercial Committee of Farben and I should like to draw the attention of the Tribunal to the last paragraph of that affidavit, in which the affiant describes my client's position in that committee.

As exhibit 21, I shall now submit Document 17, which is another affidavit of the said Dr. Kurt Krueger. He confirms the testimony of my client which he made with respect to his successor in the Nitrogen Syndikat. It seems to throw some light on the position which the head of the sales of fertilizer nitrogen occupied within Farben.

Mr. Oster, concluding the questions pertaining to your positions, I should now like to refer to your activity in Trade Economy. From a number of documents submitted by the Prosecution, it becomes apparent that you were the head of the Technical Department for Fertilizer Nitrogen. I should like to refer you to Exhibits 502, 503 and 508 of the Prosecution which are all to be found in Book 24 of the Prosecution Document Books. Your position in technical economy is being designated and as having been predominant. When did you become the head of the Technical Department for Fertilizer?

A. In 1943.

Q. For what reason?

A. From the very beginning, National Socialism desired to manage industry and the independent administrative agencies of Farben were greatly assimilated in their activities. A semi-state organization was organized which was to safeguard the influence of the State. I had no position in the organization -- I was neither a member of the economic group, nor did I hold any other position in the Reichs Group Industry. In 1943 Mr. Kehrl who held an influential position in the Ministry of Economics came along and initiated the idea of loosening up the machinery of Trade Associations and he proclaimed the independence of economy. One of his measures was to place the management of these semi-State agencies into the hands of gentlemen from the industry, thus, improving the entire measure. Within this organization the whole sphere was to be subdivided in technical departments. Normally, there should have been a technical group for nitrogen. The main activity of these technical groups was the steering of production in their plants.

The German Nitrogen Industry was already united in the nitrogen

syndicate which took care of the distribution of production. On the other hand, since the beginning of the war, the Reich Ministry of Economics was interested in the steering of production as well as in the Gebechem, therefore, a technical group for nitrogen was not established; two technical departments sufficed, two departments, one for the technical nitrogen and one for fertilizer nitrogen. The bulk of work in the department for fertilizer nitrogen had to be dealt with by myself, whereas the technical nitrogen was headed by my colleague Henser, the chief of the technical syndicate.

Q. Mr. Oster, considering that situation, could the Syndicate decide as to how production was to be divided?

A. In peacetime, that was the task of the Syndicate, but since the beginning of the war the Reich Ministry of Economics, the Ministry of Armaments and the Central Planning Board regulated what amounts of nitrogen were to be distributed to agriculture and what amounts to industry, and what was to be expended in these two fields.

During the war I always had to see that sufficient nitrogen was designated for agriculture, and the Reich Ministry of Economics had a similar struggle. The Syndicate, therefore, could only show very little of its own initiative during the war. We, as well as our customers, had to struggle through the flood of regulations and red-tape, and both the technical departments were active only in the statistics which were to be delivered to the different State agencies. We often considered ourselves playing the role of postmen.

Q. Mr. Oster, we can now conclude that subject. In that connection, I should like to offer Exhibit 22, Document 22. That is an affidavit of the former head, or rather, the Deputy head of the Economic Group Chemical Industry, who also testified here as a witness, Dr. Ehrmann. He gives us a survey of the organization which we just described. He designates Mr. Oster's position within the framework of this organization as being negligible.

Mr. Oster, we shall now turn to the next subject, aggressive war.

The Indictment charges you with having known of an intended aggressive war initiated by the National Socialist Government. Did you have any knowledge of such intentions?

A. Not at all. I certainly didn't have, at my disposal, the knowledge of the war plans as they were published after the collapse of Germany. I had no connection with those people who participated in decisions or who advised Hitler on these decisions. I had no connection whatsoever with the big-shots of Germany's Reich. I once had a discussion with Reich Food Minister Darre and again a few with his successor Back, but it was only in connection with the supply of nitrogen to agriculture.

Apart from that, I had nothing to do with any ministers, Gauleiters, SS leaders, or any of these high leaders apart from Reichskommissar Terboven of Norway and Reichskommissar Seyss-Inquart of Holland. In those two cases, the needs of two of my former business friends led me to contact these two gentlemen. Apart from that, my task, distribution of nitrogen was so far apart from all political and military events that I didn't even hear rumors of developments taking place in these domains. From the general attitude of the National Socialist Government, I had in no way drawn the conclusion that an aggressive war was intended.

Shortly before the beginning of the war, the political situation was extremely tense, and that was known to me and also to my business friends. Naturally, the political situation was publicly discussed; that was necessary because nitrogen was international and not independent of world politics. The fact that, however, developments towards a war could develop from the tense situation was discussed and contemplated at the time. When the National Socialists came to power, and as a result of their policies, it was hoped that Hitler would try to avoid any war-like developments.

Q. Mr. Oster, considering these points of view, how did you estimate Germany's rearmament?

A. Rearmament for a country like Germany seemed to me to be

desirable on principle in order that the country would again become an equal value within world events. I thought that the fact that Germany was the only country which was not armed didn't seem to be justifiable to me. Rearmament was carried on with such a great amount of publicity that I could not come to the conclusion that aggressive war was being contemplated. Hitler presented his Wehrmacht so often to Germany and to the works; this, I thought, he wouldn't have done, had he planned war.

Q. Wasn't that survey of the situation somewhat optimistic?

A. I don't think so. When making my judgment, my knowledge of the weak economic position of Germany was important. The situation in the field of oils and metals was extremely delicate. As a result of my contacts with agriculture, I had become aware of the unfavorable food situation.

Apart from that, I had had many talks with my eldest son who was a professional officer in the Army and his comrade. They gave me the impression that the Wehrmacht was neither re-armed completely nor that it was even sufficiently armed. These young officers discussed that matter quite openly and in the political campaigns, it was shown to be true.

Q. Could you cite any circumstances according to which we could see that it is truth that you did not expect war?

A. Yes. I can give you some examples for that. The international nitrogen convention had in 1938 been postponed for another five years. In that connection a compensation had to be paid to the Belgian nitrogen factory. Baisser-Levalle, of 75,000,000 Belgian francs. This had to be paid in twenty equal dividends starting from 20 June 1938 up to May 1943. As a matter of fact, these payments much earlier upon request by the Belgian government they were made only in April of 1939, and the nitrogen syndicate was participating in that with two and one half million gold marks. Neither the management of the syndicate nor the German Reichsbank, which had to give its approval for a change of the way the payments were made, objected in any way. During the meeting of the partners of the syndicate, which also had to approve the early payment of that sum, not the slightest objection was made. If we, or our partners had suspected or had known of Hitler's intention to wage an aggressive war, we as businessmen, would hardly have approved the early payment of this money. Another proof, just as plain, of our lack of knowledge, was the sale of huge amounts of ammonia salpeter to ICI of London. The ICI asked the syndicate to deliver altogether 30,000 tons which were to be sent to England, South Africa, Australia, and Chile, on account of ICI. The reason for that demand, as stated by ICI, were disturbances in their production. At first 40,000 tons of ammonia were asked for, but we were then told, in confidence, that upon demand of the British War Office 10,000 tons were to be delivered from Belgian production. It is superfluous to state that if one had known of an imminent aggressive war, such deliveries would not have taken place during the years 1937-1938 by the syndicate, to countries to which were not obligated in any way by contract or any other way.

Q. Both of these examples just described by my client are confirmed by two affidavits. They are confirmed by the affidavit of the former legal advisor of the nitrogen syndicate, Egon Becker, Document Number 29. I shall offer this as Exhibit 23.

THE PRESIDENT: You mean, do you not, Document 25. We have it 29.

DR. HENZE: 25. Yes. There is a mistake in the book. I'm sorry your Honors. As Exhibit 24 I shall now offer Document Number 24, the affidavit of the business manager of the nitrogen syndicate, Rudolf Hanzer, who confirms the incident as discussed by the witness.

MR. SPRECHER: Mr. President, I would like to have you put a rather large question mark after the index.

THE PRESIDENT: Is that with respect to Document 24. Exhibit 24?

MR. STROCHER: -Yes, Mr. President.

THE PRESIDENT: , Thank you.

BY DR. HENZE:

Q. Mr. Oster, the prosecution has submitted a number of documents to the Tribunal from which they tried to show that you, together with the other defendants, were preparing an aggressive war. I should like to cite a number of points, particularly those which were connected with your field of work, with the nitrogen syndicate. You know that the Vermittlungsstelle W was established. I refer you to Document of the prosecution NI 4702, Exhibit 101, Book 5, page 80. Herein you are informed of the foundation of Vermittlungsstelle W in your capacity as head of the Badammun. I think that you have received that document and that you remember it.

A. Yes.

Q. Did you have anything to do with the Vermittlungsstelle W?

A. Only very little. I, or rather the department which was in my charge, Badammun, after Vermittlungsstelle W was established, received a number of the circulars which were sent to a lot of Farben agencies. I considered Vermittlungsstelle W to be an organization which had to carry out a uniform coordination activity with respect to liaison between Farben and state authorities. Such an agency was not only expedient, but absolutely vital with respect to economy guided by the state. Since the nitrogen syndicate was a sales organization, it came about of necessity that they had nothing at all to do with Vermittlungsstelle W. Beyond that

however, the structure of the nitrogen syndicate which, after all, was an independent company, was arranged in such a manner that Vermittlungsstelle W could not issue any directive to it. I would have been reprimanded justifiably by other company managers if I, as business manager of the syndicate, had treated matters referring to Farben with the Vermittlungsstelle W. These matters of the Vermittlungsstelle W would have come to the knowledge of I.G.. I had a confidential position and it obligated me to adhere to strict neutrality which was imposed upon me by all the partners of the syndicate.

Q. Does the same hold true for the position in Department A of Vermittlungsstelle W?

A. Yes, I must point out in that connection that the obligations to maintain secrecy mentioned on page 16 of the trial brief, were not made by us in the nitrogen syndicate. Nobody obligated me to anything. As a purely commercial enterprise we didn't even have an Counter Intelligence representative in the syndicate up to the year 1944. Then one day an officer appeared, and he discovered that we didn't have an Counter Intelligence representative and he appointed my colleague Hanser as the representative.

Q. In that connection I should like to offer an affidavit of Mr. Hanser which is to be found under Document Number 25 and it will be Exhibit 25. In this affidavit Mr. Hanser describes what his tasks were as Abwehr (Counter Intelligence) representative. At the same time, he gives us a report about his connection with Vermittlungsstelle W and he says that he only had something to do with it in very rare cases. Mr. Oster, in that connection I should like you to refer to a letter by Vermittlungsstelle W. This bears the date of 8 December 1937, and it was introduced by the prosecution as Exhibit 199, Book 8, page 27. Do you remember that letter?

A. Yes.

Q. This letter deals with the so-called Mob preparations. It discusses - among other things - Mob preparations in the field of fuel and

the position is being quoted which Dr. Fischer has stated on the subject. Subsequently it is stated, and I quote: "Dr. Oster, nitrogen syndicate, would not like to commit himself on his field as yet". May I ask you to state your position with respect to that letter?

A. I remember the letter very well. At the time there was a conflict of jurisdiction between Vermittlungsstelle W and the economic political department. The latter was responsible for the department of the commercial sector. It was my impression then that I was to become part of that conflict, and this is confirmed by the passage you quoted. I said that I wanted to keep out of the whole business because I couldn't be responsible for any such act as business manager of the syndicate. For these reasons I made the evasive reply.

THE PRESIDENT: Counsel, it is almost time to recess.

DR. HENKE: Your Honors, may I ask to excuse Dr. Kugler for Wednesday so that he could prepare his case.

THE PRESIDENT: Yes, that request will be granted. Permit me to mention something that I overlooked. The record may show that since the afternoon recess the defendant Hoerlein has been excused and is absent by permission of the Tribunal. May I remind you also that when we do recess in a moment it will be until Wednesday morning, April 7, at nine o'clock. The Tribunal is now in recess.

Official Transcript of the Military Tribunal VI,
Case VI in the matter of the United States of America
against Karl Kruach, et al, defendants, sitting at
Nurnberg, Germany, on 7 April 1948, 0900, Judge
Curtis G. Shake presiding.

THE MARSHAL: Persons in the courtroom will please find their
seats.

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United
States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Make your report, Mr. Marshal.

THE MARSHAL: May it please your Honors, all the defendants
are present save the defendants Lautenschaleger, Haefliger, Hoerlein,
absent due to illness; defendants Gattineau, Krauch, ter Meer, Kugler,
absent excused.

THE PRESIDENT: Any announcements?

DR. BORNEWMANN (for the defendant Dr. Kuehne): Dr. Lummert has
asked me to make the motion to have the defendant Dr. Kuehne excused
from the session beginning at 9:30 this morning for the preparation of
his defense.

THE PRESIDENT: The defendant Kuehne is excused. Anything
further, gentlemen? Anything from the Prosecution?

MR. SPRECHER: No, Mr. President.

THE PRESIDENT: You may continue, Counsel.

DIRECT EXAMINATION - continued

DR. HEINRICH OSTER - Resumed

BY DR. HENZE:

Q Dr. Oster, last time we were speaking about mobilization
questions; I wanted to ask you, do you remember that mobilization ques-
tions were frequently discussed in the Commercial Committee of Farben?

A Yes, I remember. In that connection, we talked mostly about
safeguarding for ourselves the commercial personnel of the plant in the
event of war. We did that by deferments of those we wanted. In the

Nitrogen Syndicate, there was a different situation. We had over-age personnel, and as a result we didn't have to worry about deferments, therefore I was an uninterested spectator at these meetings of the Commercial Committee.

Q We don't have to say any more about this because Mr. Werther in his affidavit Exhibit No. 10, which has already been submitted, also expressed opinions on that subject. Another question, Mr. Oster, did you have anything to do with the Four Year Plan?

A No, because the Four Year Plan concerned itself with production and we were concerned with sales.

Q Did you have relations with the Office of the Plenipotentiary General for Questions of Chemical Production?

A Yes, during the war. The office of Professor Kruach which had current connections with our plants, was well-informed about production, and especially about any trouble that had arisen in the plants by reason of air raids. The knowledge of production and the amount of production was extremely important for the Nitrogen Syndicate, because we had to know how much nitrogen fertilizer we had to distribute. That is why we had to keep contact with this office.

Q Did the Nitrogen Syndicate hoard any materials before the war?

A No, the Nitrogen Syndicate didn't maintain any stockpiles in Germany.

Q The Prosecution pays particular attention to the resolution of the Commercial Committee dated 10 September 1937, Prosecution Exhibit 363, Volume XIV page 9. This resolution deals with the reliability of the employees to be sent abroad. The Prosecution also presented Exhibit 801, Book 45, page 12. In this connection, I want to offer Document Oster No. 21 as my Exhibit 26, an affidavit of Fritz Werther, the Chief of the Personnel Department of the Nitrogen Syndicate, who testifies that he knew nothing of any such resolution and that measures in that direction were not demanded or caused to be taken by him. Since we shall find more

about this subject in the document book of my colleague Siemers, we do not have to go into detail here.

Mr. Oster, I now turn to another subject. The Prosecution submitted several affidavits of Dr. Walter Jacobi in order to show your participation in the planning and preparation of the war of aggression. These are documents NI-7605, Exhibit 776 in Book 44 on page 18, and NI-7745, Exhibit 611, in Book 34 on page 108. Unfortunately, it was not possible to make Mr. Jacobi available to the defense for cross examination; therefore we have to go into the details of these affidavits. Mr. Oster, first please tell the Tribunal briefly who Dr. Jacobi was.

A Dr. Jacobi was a lawyer and had been in the service of Farben since 1919. When I entered the Nitrogen Syndicate, he was already there as an associate of my predecessor Buer. He also became my closest associate. When in 1930 the Convention de L'Industrie de L'Azote was founded Dr. Jacobi gained merits with reference to the establishment of that convention. From 1932 on until he left the syndicate, he was the business manager and dealt with these matters regularly.

Q Mr. Jacobi says that in 1935 he emigrated. Did he emigrate upon the request of Farben or of the Nitrogen Syndicate?

A No. Up to the time of his emigration, we of course tried everything within our power to retain him. When he desired nevertheless to leave, we did not do anything to stop him because we were skeptical as to whether or not we could retain him permanently against the pressure of the Party and the Labor Front. Dr. Jacobi is a Jew.

Q Dr. Jacobi reports that he subsequently went to London as business manager of the International Nitrogen Association. What was the task of that corporation, Mr. Oster?

A That company is called in abbreviated form: INA and was the trustee for the CIA, Convention International L'Industrie de L'Azote. INA took care of all the financial affairs of the CIA. It collected the monies that were brought in from exports; it administered the fond commun established by CIA partners; and especially it had the task of safe-

guarding the monies that passed through its hands against devaluation.

Q Did Farben or the Nitrogen Syndicate get this position for Jacobi?

A That cannot be answered clearly. Jacobi had a high repute with the foreign partners. He was a very efficient man. It may be assumed that he would have received that position without German help. However, the situation was very much facilitated by the fact that the German and foreign partners of CIA were of the same opinion, and that both were very glad to help Mr. Jacobi in building up a new livelihood abroad.

Q What was your personal attitude toward Jacobi?

A It was extremely friendly and remained friendly. After his emigration Jacobi, came to Germany several times, sometimes in the company of his wife, and was a guest of the Syndicate. Jacobi had pension claims against Farben and against the pension fund of Farben. According to the foreign exchange regulations at the time, because foreign exchange was controlled and also because he was a Jew, a transfer of his pension was impossible at the time. Therefore, I decided to make available to him the same assets of the Nitrogen Syndicate with the INA in London, pounds so that he could take out life insurance with British pounds.

Q Did you act legally in doing so? Did you act legally according to the German laws?

A No, not at all, for in order to do that I really needed the permission of the German foreign exchange control agencies, which I would not have received even if Dr. Jacobi had not been a Jew. As a result, I took the risk upon myself and gave him the money illegally.

Q. Mr. Oster, before we turn to the individual charges of Jacobi, I have one more question. The Jacobi affidavits are a little unfriendly in tone. How do you explain that?

A. Before I talk to Jacobi personally, I do not want to give any judgment about that. I have heard in the meantime that Dr. Jacobi had many difficulties abroad because he was still considered a representative of Farben and the Nitrogen Syndicate. Obviously, he had the same difficulties as many others of our officials and employees who were Jews and for whom we got positions abroad. In the case of those people, we were glad that we were able to get them out of Germany in a decent manner.

Q. Mr. Oster, let's go into the individual points now. In Prosecution Document 7605, Jacobi says that you transferred an employee of the Nitrogen Syndicate by the name of Kurrer to London. Is that correct?

A. Yes, that was in 1937.

Q. Were the reasons for this transfer of a business nature?

A. Yes. It is true, however, that part of the reason was the fact that Kurrer was opposed to Nazism.

Q. Jacobi says that he was informed that Kurrer was in the Nazi espionage service.

A. That is incorrect. I want to state that Jacobi does not say in his affidavit that, at the time when Jacobi went to London, I knew of this. Kurrer was drafted into the Army during the war, into the Counter-Intelligence Department of the OKW. This organization cannot be called Nazi espionage service. Before that, at any rate, he had no such connections. If that had been the case, then it would have seemed absurd to me to send him to Jacobi, of all people, since he would have endangered the latter's position; whereas we considered it very important that Jacobi should be able to work without any trouble. Besides that, it would have been improper and stupid if I had done this to the CIA.

Q. Mr. Oster, we don't want to spend too much time on this, since we can have Mr. Kurrer testify himself by way of an affidavit that he made.

May I submit to Your Honors Document No. 26, which will become Exhibit No. 27. In this affidavit, Kurrer himself explains the situation.

In Document No. 27, which I offer as Exhibit No. 28, a former employee of the Nitrogen Syndicate, Frau Vogtenberger, makes statements about the relations with Kurrer, and also clarifies this whole affair.

In that connection, I offer Document No. 28, as Exhibit No. 29. This is an affidavit of an employee of the Nitrogen Syndicate, Dr. Ahlgrimm, about the purposes of his trip to South America in 1936/37. I submit this document in this context because we are just talking about the charge of espionage and because this trip of Mr. Ahlgrimm's is mentioned in Prosecution Document NL-6701, Exhibit 773, in Book 17, Page 33, and again in the Trial Brief on Page 56-A.

Mr. Oster, I come back to Mr. Jacobi again. In his affidavit, NL-7745, he makes certain statements on Page 6 of the original about the INA, whose manager he was, and the IKA, which replaced it later after the war broke out. What the INA was we have already told the Tribunal. Please describe briefly what the IKA was.

A. In the course of the political developments of 1939, as a matter of duty, the responsible people from INA thought about the disposition of the funds stored with INA if the war broke out. Those were considerations that had nothing to do with a war of aggression. They were considerations of reasonable and foresighted business men of those times. For that reason, it was agreed that a successor organization should be set-up in Oslo, the International Kvaolstoff, which is abbreviated IKA.

Q. I believe, Mr. Oster, we can save ourselves any further details about this since we have an affidavit of Dr. Guenther Frank-Fahle about these facts. The Tribunal has already heard this witness. This is Docu-

ment No. 54, from Volume II. I ask that it be accepted as Exhibit No. 30. In very clear form, the affiant makes statements about the purpose of INA and IKA. May I refer Your Honors to the end of this affidavit, where the affiant says literally, "The idea of transferring the business office from London to Oslo came from Dr. Jacobi, as far as I remember. Mr. Eriksen of Norsk-Hydro was of the same opinion. He also saw to it that Dr. Jacobi could enter the service of Norsk-Hydro."

Q. Mr. Oster, we now come to another subject. In the same affidavit, on Page 5 of the original, Mr. Jacobi says that in 1938 and '39 the possibility of war was frequently discussed in the circles of the CIA. Do you know anything about it, and were those discussions held in your presence?

A. All over the world, before the Sudeten crisis became acute, all newspapers discussed the critical situation and the possibility that it might lead to war, unless it was possible to settle the Sudeten crisis in some other way. After the Munich agreement, a certain relief was felt which however disappeared when Hitler annexed the rest of Czechoslovakia. It was quite natural that a group of people belonging to an international convention should discuss such matters. I want to point out once more that the INA had trusteeship functions. I would have considered it almost neglect of duty if the INA had not worried about the international situation. The fact that a group of Germans, Englishmen, Norwegians, French and other nationals did not discuss the danger of an aggressive war by Germany is quite obvious, and I do not have to mention that particularly.

Q. Mr. Oster, I turn once more to Jacobi's affidavit. On the same page he says that after Austria's annexation a clause was incorporated in the CIA contract which made it possible to take into consideration changes of boundaries.

Mr. Oster, I want to ask you a preliminary question. Did you inform your colleagues in the Vorstand about the details of CIA contracts and such clauses?

A. No. After the conclusion of the CIA negotiations, I talked about these contracts only in general outline in the Vorstand meetings.

Q. Thank you very much.

A. I would not have had any time to go into detail.

Q. Jacobi concludes from that that the Nitrogen Syndicate expected further changes in boundaries.

A. We did not talk about such possibilities. I believe that if foreigners had come to see us we would have been tactful enough not to go into such matters, which are not very pleasant for the other party.

Q. In connection with this point which Mr. Jacobi brought up, the former legal advisor of the Nitrogen Syndicate, Egon Becker, expressed his opinion in an affidavit, which I now want to offer to Your Honors. This is Document 55, which will receive the exhibit number 31, Mr.

Becker makes a very clear and very extensive statement, and gives his reasons. I want to quote only one passage: "When the CIA contract was renewed in July 1938, the new CIA contract, as far as I know, did not contain any clause that could be said to be written in such a way as to take into consideration the special situation which ensued after the invasion of Czechoslovakia." Mr. Oster, have you any additional comment on this point, since Mr. Becker has already expressed his opinion on it?

A. Mr. Becker has described the situation at the time absolutely correctly. I can say only that Mr. Jacobi's recollection on this point is incorrect; and I rather believe that if he were subjected to cross-examination one would have been able to recall it properly to his memory very quickly and would have been able to rectify the matter.

MR. SPRECHER: Mr. President, since we have two times had some representation concerning Jacobi in cross-examination, I only want to say this: Dr. Jacobi was waived by the defense. Dr. Jacobi was available to defense representatives in the United States. I think some of them saw him, from what I hear indirectly. He has always been available, and he is a very intelligent man, for any interrogatories on any of these points. They were not submitted.

THE PRESIDENT: Well, the observations of the Defense as to what Dr. Jacobi might testify to on cross-examination will be considered along with what the prosecutor says about the defense counsel having an opportunity to interrogate Dr. Jacobi in America. Neither one are evidence and both will be ignored. Go on with the trial.

BY DR. MENZE:

Q. Mr. Oster, in Document MI 7745, on pages 5 and 6 of the original, Jacobi says that the Nitrogen Syndicate in 1938 informed the International Cartel that it could not supply sufficient nitrogen to fill its quota. It therefore sold its quota to the British and Norwegian members. Dr. Jacobi concludes that this was because the German production of nitrogen was diverted mainly to the production of synthetic nitrogen and gasoline.

Please comment on this briefly, and please take into account that in the affidavit that I have just submitted Mr. Becker has already given a clarification, to the effect that other CIA partners did not want to fill their export quotas and that they made them available to the Nitrogen Syndicate, and that the latter offered these quotas to Norsk-Hydro.

A. Mr. Becker's affidavit speaks for itself. I don't want to say anything further in that connection. But I want to give one more reason, in addition to those given by Mr. Becker. It was customary in CIA that the export quotas that had been distributed to the individual partners be sold in part to other partners. This is customary in any quota cartel. Some firms that had new plants and had not yet been able to depreciate these plants to the amount that the owners of old plants were able to do, were not much interested in export after the prices for nitrogen fertilizers on the world market had decreased extremely, and they were quite ready to

cede their quotas or parts thereof to the German, English, and Norwegian group. Thus the German group, the Nitrogen Syndicate, bought such quotas, at least until 1937. In 1937 the German domestic prices were reduced by thirty-two percent by order of the German government. Within the Nitrogen Syndicate there were firms whose plants were not very old; after the reduction in prices they didn't have any particular interest in exporting nitrogen at such a low price, or in acquiring quotas from others. For that reason, the quotas mentioned by Dr. Jacobi were ceded to the English and the Norwegians in 1937-38 and 1938-39. Thus we are here concerned with a failure to fill the quotas which were given to the Nitrogen Syndicate by contract, but merely the non-purchase of quotas that had been offered to the Nitrogen Syndicate by others.

Q. I believe we can leave this subject, since I am going to submit one more document on this. May I offer Your Honors an affidavit of Dr. Ernst Benn. This is Oster Document 56, which will be Exhibit Number 32.

Mr. Oster, may I discuss, in this connection, the relation synthetic nitrogen to natural nitrogen, Chilean Saltpeter. The Prosecution has submitted various documents intended to show that Farben displaced Chilean saltpeter from the world market. I am talking about this now because Dr. Jacobi made statements about this also; however, in a sense contrary to what the Prosecution wants to prove. Besides that, we heard a witness by the name of Hagert here at the beginning of the trial, whose lack of technical knowledge, as was shown on cross-examination, will hardly justify him to form any judgment about this matter. For these reasons —

MR. SPRECHER: Mr. President ...

THE PRESIDENT: That remark is stricken. Repeat your question without your own observations, counsel.

BY DR. HENZE:

Q. Dr. Oster, please comment on the relation of natural nitrogen (Chilean saltpeter) to synthetic nitrogen.

A. I want to be quite brief. It would be foolish of me to try to

deny that the monopoly which Chile had in the nitrogen field up to the first World War was lost. There are many examples in history which show the struggle of synthetic products against natural products: I will remind you only of indigo. I remind you further of something that Dr. Jacobi says that all over the world, after the first World War, the construction of new nitrogen plants was almost, I might say, like a contagious disease, for nationalistic reasons. Partly this expansion in nitrogen was undertaken by the governments themselves -- for instance in Poland and in Holland. I refer you to the document which my colleague Buctofisch submitted as his Exhibit 7, in his Book 1 on Page 14. That document shows that from 1928 to 1932, in those countries alone which were members of the International Nitrogen Convention, new production capacities for nitrogen were constructed of altogether 700,000 tons of pure nitrogen. Added to that must be those countries not belonging to the convention, Sweden, Spain, the United States, Canada, Japan, and so on. In that connection I really cannot see the justification for saying that this enormous competition which confronted Chilean saltpeter was all due to I.G. Farben.

Dr. Jacobi also points this out. For the rest I must say that Chile herself expanded her production plants during a time when nitrogen consumption was considerably reduced in the world. I want to point out two further things. In the last twenty-five years the science of nutrition of plants has developed and changed considerably. We have learned that according to climate, nature, soil characteristics, the plants need, for their best development, different kind of fertilizers; slow-acting or quick-acting, physiologically acidic or neutral, and so forth. Plants such as rice, which are planted under irrigation, need different sorts of fertilizers from plants that are grown on dry soil. These individual fertilizers could be made only after ammonium synthesis was invented, and I assume that agricultural science would by no means approve the charges of the Prosecution against the ammonia synthesis, but that it is very grateful that Farben's research was able to produce nitrogen fertilizers which result in the best possible fertilization. It is certainly not an accident that in all countries of the world, including the United States, the development of nitrogen fertilizers has adapted itself to the progress in agricultural science. And I believe, furthermore, that as long as millions of human beings have to starve at times, the world cannot afford to forego this research of agricultural science. Secondly monopolies mostly mean that the consumers have a certain price forced upon them. The book by Zischka, submitted by the Prosecution, "Science Breaks Monopolies," shows this clearly. I believe that the agriculture of the entire world, as a result, and only as a result, of the competition existing between natural and synthetic nitrogen, received nitrogen at a price which Chile would never have been ready to grant on her own initiative.

In 1928, one ton of Chile salpeter still cost fourteen pounds. In 1933 it cost seven pounds. Since the agreement was achieved in the convention, of which Chile was also a member, the price remained more or less stable on this low level. I believe, in conclusion, I can finish what I have to say now in this connection, that a compilation that I have made will show the Tribunal the errors made in this problem. I have prepared a graphic chart about the percentages which Chile and Germany had in the entire consumption of the world, outside of their own countries.

Q May I offer this chart, in the form of an affidavit of my client, as Exhibit 33. That is Document 57. It is not in the document book, but the necessary number of copies are handed to the Secretary General.

A Your Honors will find two curves on this sheet -- a red one and a green one. The red curve shows the percentage of the German export of nitrogen in the entire consumption of the world. The green curve shows the same percentages for Chile salpeter. One can see quite clearly that both curves take the same trend. The German curve begins with eight percent of the world consumption supplied by Germany. It then increases until 1927 and 1928, when German nitrogen production reached its climax, and then it constantly decreases until 1934-35, when it levels off a little and continues more or less horizontally. Chile started out with an enormous share of the world sales, thirty-six percent in 1924-25. Then the first depression in agriculture came about, and the sale of Chile salpeter was consequently reduced. Then a small increase, and then the curve is steeper, but its tendency is the same as that of the red curve. I want to point out in particular that from the moment when Chile joined

the International Convention, when open competition was eliminated, the share of Chile saltpeter rose and could be maintained.

Q Mr. Oster, we want to leave this subject, but before we turn to war of aggression I want to discuss one more point with you: Political contributions. When the contribution of 400,000 marks was approved, did you participate? This was at the beginning of 1933 for election campaigns.

A No, I did not. I was not asked about this matter, just as I was not asked about the contributions which Farben made before 1933 for political purposes. That was an affair of the Aufsichtsrat at the time.

Q Did you participate in the resolutions about the following contributions -- 150,000 Marks for the Sudeten-German Free Corps?

A No.

Q 500,000 marks when the Sudeten-German territory was incorporated?

A No.

Q 300,000 marks for the Circle of Friends of Himmler?

A No.

Q Did the Nitrogen Syndicate make any political contributions?

A The Nitrogen Syndicate was in a very favorable position. We were always able to refuse the granting of such contributions by saying that the Nitrogen Syndicate didn't make any profits and therefore we were able to refer the petitioners to the members of the syndicate, of whom one could not ask that they pay twice. On one single occasion the Nitrogen Syndicate, with the approval of its members, made a contribution for the professional promotion of farm youth,

with which the German Minister of Food and Agriculture wanted to support all nitrogen, phosphorus and alkali. For the rest, we made the customary small contributions that every firm made, when all sorts of people begged us for money. When the Nitrogen Syndicate, in 1943, had to move from its completely bombed-out building with its furniture and files, we were not given any trucks in order to move our stuff away quickly enough, and one of our officials established connections with an motor pool of the SS, which loaned us the trucks, and I believe for that service we gave two or three thousand marks. I mention that only for completeness' sake in order not to omit anything in that connection. But that was not a political contribution.

Q Mr. Oster, I now come to the relations between the syndicate, or Farben, and foreign countries in the nitrogen field. At the same time I come to Count II of the indictment, even if some things, that I am now going to discuss, might still be brought in connection with Count I. Mr. Oster, we have agreed to forego dealing in detail during your examination with the conventions which the Nitrogen Syndicate concluded with foreign partners. You made a short statement about this, which is on page 1 of our Document Book 2. May I ask Your Honors that this statement of my client, bearing Document Number 30, be accepted as Exhibit Number 34. I believe it will serve to expedite the trial. Mr. Oster, please briefly describe the nature of the developments during all those years in which the conventions were concluded, about which you report in your statement.

A I do not want to succumb to the temptation of dealing in great detail with this subject, although I worked on the agreements concluded with respect to nitrogen for ten years.

My predecessor in the syndicate, Doctor Bue, also tried to bring about international cooperation, and in 1921 he made the first attempts to this end. Unfortunately the Chilean government refused cooperation at that time, but the Nitrogen Syndicate and the ICI became closer acquainted. In 1927 the Haber-Bosch process had been acquired from the Norsk-Hydro by the Badische Anilin and Soda Fabrik and had therefore made exports safe for Germany for the next twenty-five years; in 1929 Farben and ICI concluded a contract for the duration of ten years, and the Nitrogen Syndicate joined this convention later for all German producers.

The German-English-Norwegian group, which was called the DEN group, made united efforts and in 1930, at the last minute, was able to prevent a drop in the nitrogen market. The cause of this danger was to be seen in: (1) the fact that there was enormous new construction all over the world, which I discussed previously; (2) the world agricultural crisis that was just beginning in 1930; and (3) the strongly increased stockpiles of nitrogen all over the world.

I want to mention here that around that time Chile had in its storehouses more than three years' export of Chile saltpeter.

In 1930 it was possible for the CIA to be arranged for 1931, the first large international nitrogen convention. Besides the DEN group, France, Belgium, Holland, Poland, Switzerland, and Czechoslovakia participated. Friendly agreements had been reached with Sweden and Hungary. For the same period, an international agreement could be reached with the Chilean saltpeter plants. The United States and Canada could never participate, because of the laws there.

Unfortunately, circumstances after 1930-1931 were stronger than the will for further cooperation. CIA No. 1 and the Chile contract could not be renewed. The year 1931-1932 was under the atmosphere of a general price war: export prices were reduced about 50%, although sales were not noticeably increased.

These bad experiences got the partners together very quickly. In the years 1932 to 1934 CIA contracts Nos. 2 through 4 were concluded, each lasting one year. In 1935, CIA contract No. 5 was concluded, with the duration of three years; in 1938 contract No. 6 was concluded, with the duration of five years.

The domestic political situation in Chile, the lack of agreement among producers there, and the bankruptcy of the gigantic saltpeter trust, Kosatschk, prevented any new contract being concluded with the Chilean producers before 1934. In 1935 it was renewed for three years, and in 1938 it was renewed for the duration of five years.

The contract which I mentioned between ICI and Farben, or the

Nitrogen Syndicate, after its expiration in 1939, was greatly expanded and renewed until 1942.

All those contracts were terminated by the beginning of the war, and all the work that had been done towards bringing about the strengthening of relations among the partners was in vain. We in the Nitrogen Syndicate sought understanding, and we were able to achieve our goal. The fact that the idea of unrestricted competition in the nitrogen field was abandoned was primarily because the market for nitrogen fertilizer is limited. We cannot sell more than agriculture needs. It was clearly realized that agreement is better than fighting, and that brought it about that understanding was not only an affair of reason, but it was also an affair of friendship. During the war I kept up these friendly relations with all those partners who were accessible, that is, those who lived in the occupied territories. It was not my idea only to help where necessary, but also to keep up business relations in order to save some of the feeling of international understanding for the time after the war, in order to pick up the threads where lack of reason had torn them when the war broke out.

Q. Mr. Oster, I want to discuss one more point, in that connection. The Prosecution contends that because of the international conventions and cartels concluded by Germany, the foreign competitors were kept in a weakened position, and it considers this deliberate participation in the preparation of war of aggression. In that connection the Prosecution has submitted Exhibit 1018, in Book 43, on page 262, which is a draft for the Senate subcommittee for the preparation of war. It states, and I quote:

"The European cartel was dominated by the so-called DEN, a group of German, English and Norwegian firms, and this group, in turn, was dominated by I. G. Farben. Farben tried to prevent development in the United States through the Hercules Powder Company and the Atlas Powder Company."

Would you briefly comment on this, Mr. Oster?

A. This assertion has not been proven by anything, and, furthermore, it is incorrect. The ICI and Norsk-Hydro are the two partners which Farben allegedly dominated. They did not permit Farben to order them around, and the sales policy of CIA was dictated by the Conseil de Surveillance, in which all partners were represented.

I am in the fortunate position of being able to present an affidavit of one of the smallest partners of the CIA, the Polish group, which corroborates the correctness of my statements.

As to Hercules Powder and Atlas Powder, that was a technical matter, with which I had nothing to do. I want to state however, that I believe that at all times the owner of a process has claimed for himself the privilege of selling his process to that person or that firm and of granting a license to those firms which he considers most competent. In my opinion, that has nothing to do with war of aggression.

Q. Now, Mr. Oster, we will leave this subject as well.

DR. HENZE: In connection with what has been said previously, I want to ask Your Honors' permission to offer document No. 37 as Exhibit No. 35. This is an affidavit of Hans Rieger, a leading employee of the Nitrogen Syndicate who supplements what my client has said about the spirit of the relations in the convention.

Q. (Continuing) Mr. Oster, I now come to the individual countries which play a part in Count 2 of the Indictment. Can you tell us anything about any measures in the nitrogen field in connection with Austria's annexation to Germany?

A. No.

Q. How did your relations with the nitrogen industry develop after the incorporation of the Sudetenland into Germany?

A. Shortly after the Sudeten-German territory was ceded to Germany by the Munich pact, I went to London in order to discuss the new situation with the INA. In the Sudetenland there was the only Czech nitrogen of lime plant. The director of the Prague nitrogen sales combine, Mr. Dobias, was also in London, and he was very glad when I promised him that we would

7 April-M-MW-5-4-Daniels (Int.Katz)
COURT VI, CASE VI

do everything possible in order for him not to have any trouble in regard to nitrogen of lime, which he had received from Falkenau before that time, and so that he could continue to supply Czech agriculture with it in the future. In order to avoid difficulties of foreign exchange between Germany and Czechoslovakia, I suggested to him that deliveries be made in the form of a barter: Prague was to get nitrogen of lime from Falkenau and were to pay us by supplying Czech fertilizer.

Q Did you personally participate in the sale of the Aussig and Falkenau factories?

A No.

Q But a few days ago the Prosecution submitted document NI-10722, from which it can be seen that the contracts concluded in the last quarter of 1938 were sent to you personally on 12 December 1938.

A Yes.

Q Why did you receive those contracts?

A That was at my own request. According to German regulations, the Falkenau nitrogen plant had to join the Nitrogen Syndicate, and I had arranged for the director of Falkenau to come to see me beforehand, so that I could brief him concerning the rules and regulations in the Syndicate, so that he would be able to get a favorable quota for himself in the negotiations. That was actually done, and Falkenau came out very well in the negotiations. However, I had to know, in advance, exactly what had been arranged in regard to Falkenau.

Q Mr. Oster, were any changes made when, in the spring of 1939, the remainder of Czechoslovakia was occupied?

A Very soon after the occupation I visited the Nitrogen Sales Association in Prague, in order to speak to Director Dobias, who was very much concerned about the future, and I wished to calm him somewhat. I introduced him to members of the German administrative authorities, with whom he had to work, as our old business friend. However, I informed him that, as a matter of course, his firm would still be considered an independent Czechoslovakian group in the CIA; that the Nitrogen Syndicate was not going to take over their agency in any way, and that we would take that point of view towards all official German authorities. It was certainly not easy to find reasons why this had to be done, but nevertheless we were able to do it. Mr. Dobias, as a partner in the CIA, in the future represented the plants of former Czechoslovakia.

Q Was there any cause to fear that the Czech group would

lose its independence?

A Yes, certainly. As I have already stated, all German producers of nitrogen had to join the Syndicate and also, accordingly, the Nitrogen Sales Association of Prague. The authorities had even urged us to appoint German representatives to the Czech Nitrogen Sales Association. However, we did not do so. When the Czech prices were reduced to the level of German prices, upon order of the government of the Protectorate, Mr. Dobias asked me to send him a representative from the Syndicate who knew his way about, as an advisor, and that was done. The gentleman was in Prague temporarily and, very shortly thereafter, returned to Berlin. The Association in Prague was able to retain its entire Czech personnel until the end of the war. Mr. Dobias was very proud of the fact that he was able to keep the picture of the first Czech President, Masaryk, hanging over his desk, because usually, in Prague, all those pictures had to disappear.

Q Mr. Oster, what were the conditions under which this Prague Association joined the Syndicate?

A Because of the unclear future, we permitted the Association to keep its independence. The Czech market was its preserve, that is to say, the market of the Protectorate. The Czech group had never exported before anyhow; if they needed our help we granted it. We deferred final formulation of the contract until after the war.

Q Were you able to help the Prague people in any other way?

A Yes. I want to tell you of only one case. During one of my visits, Dobias told me that the chairman of the Verwaltungsrat of the Prague Association, General Director Jerie, of the Ferdinands from Ostrova, which also produced Nitrogen, was arrested and deported to Germany without any known reason, and probably sent to a concentration camp. Through one of our officials in the Syndicate who had connections with the Gestapo we managed to find out the concentration camp where he had been sent. It was Oranienburg, near Berlin, where

Jerie was actually confined. I made a petition, in which I explained that I had known him for many years and knew him to be a decent man. As a result, he was liberated and returned to his homeland. All of this was very kindly confirmed for me by Mr. Dobias, in a letter that he gave me after the war.

DR. HENZE: In order to corroborate what my client has just now said, I wish to offer a letter from this Mr. Dobias, Oster Document 36, as Exhibit No. 36.

Q Before turning to another country, Mr. Oster, I wish to include something here.

On the occasion of the cross-examination of your colleague Schneider, the Prosecution submitted document NI-14274, Exhibit 1906. You will remember that this was the record of a conference of 7 November 1938, at which you were not present but at which a certain Dr. Bachmann was present, representing the Stock Corporation for Nitrogen Fertilizer (Aktiengesellschaft fuer Stickstoffduenger). The document deals with the production of nitrogen of lime in Falkenau. It states that Czechoslovakia wanted to become independent, with its own plant, and it is furthermore stated that Dr. Bachmann tried to prevent this by steps he undertook with the Economic Group Chemistry. May I ask you to comment on this briefly?

A I did not know about this conference or these minutes. I do not know why Mr. Bachmann participated. He was not authorized by the Nitrogen Syndicate to make such statements, for otherwise I would have known about it. The fact that the Aussig Verein was about to construct a nitrogen of lime plant was very well known to us at that time, but the Syndicate never tried to hamper the construction of this plant in any way. There was no reason to do so.

Q I believe that has been sufficiently clarified. I now want to ask one question about Poland. After the war began, in 1939, did the Nitrogen Syndicate do anything about the Polish nitrogen industry?

A The Nitrogen Syndicate did not take any steps in connection with the nitrogen plants in Poland. They were operated by Reich-owned companies. Besides the coke plants that furnished nitrogen, these were three large plants in Poland, two of which were owned by the Polish State. Unfortunately, all of these plants had been left by the management when the German forces marched in. The former director of the Polish nitrogen producers, Mr. Vladimir Schaetzel, contacted me through neutral countries. I made him an offer again by way of neutral countries, that the Syndicate might use him when they sold the nitrogen from the former Polish plants in his homeland. At any rate, I wished to take his part if he desired help, but he replied that he did not wish it.

DR. HENZE: Your Honors, in that connection I wish to offer an affidavit of Mr. Schaetzel. This is Document No. 35, which will become Exhibit 37. Mr. Schaetzel makes statements about the attitude of Farben, and, in particular, Mr. Schmitz and Mr. Oster, during the CIA negotiations.

MR. SPRECHER: Mr. President, this affidavit, so far as I can tell, has no statements in it with respect to time. And this gentleman, who is now in a hospital in Germany, I think would still be in some kind of a position to assist us in knowing something of the period that is being talked about. As it is, I don't see any value in this piece of evidence.

THE PRESIDENT: Yes, there is a reference there, as to certain incidents occurring after the invasion of Poland, Mr. Sprecher, that will probably make it competent for whatever it may be worth. On the last page: "I want to point out in particular that after the invasion of Poland," and so forth. That is a matter that perhaps could only be reached by the exercise of your right of cross-examination or interrogatories.

THE WITNESS: May I make a remark in that connection, Your Honors? In this affidavit of Mr. Schaetzel's it is stated that it

7 Apr 48-M-~~MB-6-5~~-Daniels (Int. Katz)
Court No. VI, Case No. VI.

was after the invasion of Poland by the Germans and the Russians.

THE PRESIDENT: I think we had better rise for our recess
before you ask another question.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. HOFFMANN (Counsel for Defendant Ambros): Your Honor, I should like to ask permission to have the defendant Ambros excused from this afternoon's session in order to prepare his trial brief.

THE PRESIDENT: That request is granted - - Dr. Seidl?

DR. SEIDL (Counsel for Defendant Duerrfeld): Your Honor, I should like to express the same request on behalf of the defendant Dr. Duerrfeld for this afternoon, Thursday and Friday.

THE PRESIDENT: The same ordered.

DR. HENZE (Counsel for Defendant Oster): Mr. President, before continuing, I should like to point out the following to you. Before me I have English Document Book No. 2. Thus far I have assumed that the Index would facilitate the perusal of the book. The Index, however, has been prepared so badly that even the Secretary General himself became confused with all the figures. I shall attempt to see to it that a new Index is prepared which will enable you to follow the book more easily.

THE PRESIDENT: Very well, counsel; that Index is a bit confusing. It is all run together and a little hard to follow.

MR. SPRECHER: Mr. President, I want to beg the Tribunal's pardon for being a minute late. I was detained in the Commissioner's office and didn't realize that the time had come by.

THE PRESIDENT: That is very well.

DIRECT EXAMINATION (Continued)

HEINRICH OSTER (Resumed)

BY DR. HENZE (Counsel for Defendant Oster):

Q Mr. Oster, we shall now continue. I shall now turn to the question of Holland. What were the connections with the Dutch nitrogen producers after Holland was occupied in 1940?

A On the 10th of May, 1940, the day of the German invasion of Holland, Mr. Holtrup, the director of the nitrogen plant Mijkop of Royal Dutch Shell, was in Berlin. Through one of his friends I was

telephoned that Holtrup, as a Dutchman, had been arrested on the morning of that very day. After negotiating with the Gestapo and guaranteeing for him personally, I managed to get Holtrup released. He then returned to Holland and he asked me to see the Dutch gentlemen of the concern as soon as possible.

Q Were you able to fulfill that request?

A Yes. In July or August of 1940 Oberregierungsrat Dr. Hoffmann of the Reich Ministry of Economics and two other gentlemen went to Holland to investigate the condition of the Dutch nitrogen factories. These gentlemen went there by automobile and in this simple way I was able to go to Holland as a private citizen. During that trip the three large nitrogen plants in Holland were inspected and my Dutch friends were greatly relieved when I approached them and convinced them of the harmless intentions of my companions. Naturally I took into consideration all of their requests with respect to coal, materials, etc., and I intervened on their behalf with the German occupation authorities. At this opportunity I heard that the General Director of Mijkop, Mr. Kessler, was being badly treated by the German authorities. I visited him in Amsterdam during a meeting of the Chamber of Commerce, and asked him about that matter. His character was beyond reproach but he was a little difficult to deal with.

Q Were you able to help him?

A I went to The Hague, to the office of the Reich Commissar, where I saw Minister Fischboeck whom I told about my long-time connections with Mr. Kessler, and of his character, and afterwards I was able to settle the matter.

Q You told me that you were able to assist Mr. Kessler once more.

A Yes. In connection with terror acts Mr. Kessler was arrested as a hostage and I was informed of that fact by one of our representatives in Holland. I was fortunate enough in seeing Reich Commissar Seys-Inquart in Berlin, who was sentenced by the IMT. I visited him, and after a rather unpleasant conversation I managed to persuade him to

investigate once more this matter upon his return to Holland. He actually did so, and Kessler was released.

Mr. Holtrop, who today is president of the Royal Dutch Bank, was kind enough to confirm these events to me.

Q In that connection I shall put no further questions to you, but I shall only submit a number of documents which speak for themselves.

As the first document I should like to submit Document 31 as Exhibit 38. This is a file note on a visit to the Dutch nitrogen producers which took place in April, 1941. This memorandum was drawn up by Wahl, the business manager of the syndicate, and it is also confirmed by an affidavit.

As Exhibit 39 I shall submit, for identification only, a statement of Mr. Holtrop whom we just mentioned. This exhibit lacks a certification, which I shall submit at a later date. It is Document No. 38.

As Exhibit 40 I shall submit an affidavit of Mr. Hombrinck. This is Document 39. He describes the support which he received during the war.

As Exhibit 41 I shall now submit Document 41. This is an affidavit of the representative of the Nitrogen Syndicate, Arnold Suhr, who is residing in Amsterdam. He confirms what my client has testified.

Mr. Oster, did you have any connections with Belgium during the war?

A Connections with Belgium were not as intensive during the war as they were prior to the war. A colleague of mine was in Brussels, who was business manager of the syndicate, Oberst von Harburg. He was on the staff of the Military Commander in Belgium. He looked after the worries and requests of our Belgian friends, whom he had known very well as a result of prior negotiations. This was one reason why Harburg annoyed the Gestapo, which finally led to his removal from Brussels.

Q.- I should now like to turn to France. How did the nitrogen syndicate's connections develop with the French nitrogen industry after the beginning of the war?

A.- The French nitrogen industry was represented in Paris by the Comptoir Francais de l'Azote with which the nitrogen syndicate had maintained business connections ever since 1931, a time when Germany sent fertilizer nitrogen to France by way of reparations. For this reason, these connections were of a very friendly nature. That is why I attempted, after the outbreak of the war, to concern myself about these gentlemen in France and I went to Paris in the winter of 1940-41 where I met most of them. I was able to fulfill many of their requests by intervening with the occupation authorities.

Q.- Can you tell us something about that?

A.- The son of the director of the Comptoir Francais, Georges Lelong had become a German prisoner of war and we tried to release him from the German internment camp, naturally legally. We said that his return to France was necessary because he was an expert at the Comptoir Francais where he was previously active in the distribution of fertilizer nitrogen in France. Everything had been planned carefully but he was never released because the young Lelong released himself a few days after his capture from the PW camp by escaping.

On the occasion of another visit, Mr. Lelong asked me to see to it that nitrogen factories should not lose their workers. Therefore, I went to the office of Mr. Michel and I intervened in his behalf at this was always done by the G.B. Chem. Furthermore, I approached a gentleman of the syndicate, Mr. Hueller, who for years had handled the export business to France and who was a friend of Mr. Lelong, and delegated him permanently to Paris where he was always at Monsieur Lelong's disposal as a liaison man to the G.B. Chem.

Q.- Up to now you have discussed the human contacts with these business concerns, but did you have any objective contacts of transactions with the Frenchmen as well?

A.- Apart from settling the question of certain quantities of technical nitrogen which were obtained from France in exchange for German fertilizer nitrogen at the suggestion of the Reich Economics Ministry there were no acute business connections after the occupation, since all business, of course, was taken away from private enterprise. We, therefore, could no longer resume our old business connections and just behave as if there was no war. The only thing which we did was to maintain a status which would permit us at a later date to continue in the old spirit. Mr. Lelong is still today the general director of the comptoir Francais and he was kind enough to confirm all these events which I described.

Q.- Who was Mr. Lheure?

A.- General Lheure was the head of the French nitrogen industry. I was particularly friendly with him and I asked the plenipotentiary of the Gebechem, if he encountered any difficulties in France, to turn to General Lheure who would always point out the right way how the requests imposed on the French producers by the Germans could be fulfilled in a decent and proper manner, and that actually happened.

DR. HENZE: After the end of the war General Lheure wrote a letter to my client which is Document 32. I shall submit it as Exhibit 42. The said George Lelong has also made a statement which has not yet been certified but I hope to submit the certification in the near future. I shall now submit Document 32 for identification only and I shall give it Exhibit No. 43.

I shall further submit Document 34 in that connection which is an affidavit by the director of the nitrogen syndicate, Hans Rieger. This is Document 34 and will receive Exhibit No. 44. Mr. Rieger describes the support given to him by Mr. Oster.

Q.- Mr. Oster, I shall now turn to Denmark and I should like to tell me what connections you maintained with Denmark during the war.

A.- In the contract I mentioned which Farben concluded with Norsk Hydro in 1927. Hydro had made the condition that its own representation in Copenhagen would continue in existence and that it would also take over the representation of the syndicate. Ever since that time the Norsk Hydro Salzkontor of Copenhagen was the representative of the syndicate for that country as well as for Iceland. Norsk Hydro and the Syndicate continued to export to Denmark during the war. Since we had agreed with Norsk Hydro that our contract was to be suspended during the war, but that at the same time both partners were to maintain contact with one another we always met these gentlemen in Copenhagen until the occupation of Norway. We mutually discussed the nitrogen business and we frankly discussed the situation with respect to the Danish market.

Q.- Did that situation continue even after Norway was occupied?

A.- Yes. There was only one difference. The syndicate, as before the war, sold Norsk Hydro's production. We thereby achieved that the Reich Commissar could no longer annoy Norsk Hydro because he assumed that the syndicate was informed of all events which took place in connection with Norsk Hydro were always present in the same way as was the case before the war.

DR. HENZE: With respect to the personal attitude of my client in that country, I may offer, in connection with what he has testified an affidavit of the director of the Norsk Hydro in Denmark, Alexander Holst. This is Document 40 and will receive Exhibit 45. In that connection I might state that this statement contained in the document book has been written again dated 1st of April 1948 together with the certification, thus settling a possible mistake in the form of the document. I am in entire agreement with Mr. Sprecher on that point.

Q.- Do you wish to add something to that document, Mr. Oster?

A.- I think that is all I have to say in that connection.

DR. HENZE: Your Honor, I must apologize for interrupting the examination. The Secretary General has pointed out to me that Documents 32 and 33 were confused in the English index. I hope that I can succeed in obtaining a better index.

Q.- Mr. Oster, I shall again briefly revert to aggressive war, in particular to the last subject which was charged by the prosecution in connection with aggressive war, the so-called "New Order." Would you please briefly state your position on that and tell me what you think about it?

A.- As has already been described by my colleagues, the Reichsministry of Economics in 1940 requested industry to submit proposals for economic peacetime planning. The Ministry had established a special department for that purpose of which Mr. Schlotterer was in charge who appeared here as a witness for the prosecution. The syndicate had supplied Farben with material for a report to be made in that connection for the nitrogen sector which was then sent to the Ministry of Economics after Farben had expanded it. The nitrogen syndicate didn't want to, and could not, oppose that suggestion. The syndicate could not do so because this was an order by a government agency. It did not want to oppose it, because it was my point of view that such planning was better done by intelligent experts than by non-experts. Perhaps people carried away by victory who were not experts would draw up plans which later would make impossible a peaceful international cooperation. In that connection it seemed to me to be insignificant if one exaggerated somewhat with respect to details as long as the principle of the basis for a reasonable cooperation later on would not be destroyed.

One remark was made in that connection about the control of production of technical nitrogen in France. This whole "New Order" was considered by us as a more or less superfluous work which it actually turned out to be.

Q. Did the syndicate supplement the report by Farben with their own proposal which also was submitted to the Reich Ministry of Economics?

A. Every chapter of the Farben report, as far as it concerns nitrogen, concludes with the statement that all details as up to now will be arranged by way of agreement of the syndicate with all other partners. As far as I remember, we were even requested by the Reich Ministry of Economics to supply a statement as to how we planned the problem to be solved. We delayed the matter and finally it never came about and we never submitted that report.

The syndicate, however, prior to the demand by the Reichsministry of Economics, investigated thoroughly as to how nitrogen production of Europe would develop after the war. They investigated this matter from a far-reaching point of view and they considered what the consumption would be and what export quantities they would have available. In this report an import of Chilean saltpeter to Europe was considered as well as an increasing export surplus by the U.S.A., as well as new buildings of other factories throughout the world. I must state explicitly that this work was based upon the principles of the CIA and that it considered also the expansion of the nitrogen capacities of CIA including technical nitrogen. Without any such possibility, I could not have imagined a continuation of the friendly relationship with the CIA partners. These considerations are in direct opposition to the somewhat unfriendly remark concerning a control of technical nitrogen in peacetime.

Q. Mr. Oster, one more question in conclusion; when working out this plan did you have any ideas of world domination?

A. In the syndicate we only had one idea and that was to start as soon as possible after the war where we left off before the war. This report by the syndicate I discussed with all the foreign partners whom I could reach during my trips to Norway, Holland, Belgium, France and Czechoslovakia. I discussed the report very much in detail and very

frankly. I listened to their views on the development of their production and their consumption and I took them into consideration accordingly with respect to our own estimates. For purely humane reasons I was interested in seeing that the connections which had existed before the war would be assured for the post war period. On the other hand, however, an erroneous planning for the post war period could only bring about economic damages which I tried to avoid.

The world nitrogen sales is a very difficult field to handle because actually the markets are already distributed and new plannings by non-experts could only bring about new trouble. From the fact that our new plan was not camouflaged in any way towards our foreign partners, it can be seen that our investigations were not dictated by the idea of world domination. We never did have that idea of grandeur.

Q. Mr. Oster, we shall now leave that field and we shall turn to Russia, in particular to the Nitrogen East g.m.b.h. How was this Nitrogen East g.m.b.h. founded?

A. In July 1941 after the beginning of the war against Russia I was asked to attend a conference in the Reichministry of Economics. There I met a number of gentlemen, partly belonging to the authorities, partly belonging to the chemical industry. I cannot today remember any details of that conference but I do know that we were informed that a few companies were to be founded for the occupied eastern territories.

A few days thereafter I was again asked to go to the Reichministry of Economics. There I received the order for the nitrogen syndicate to form the nitrogen g.m.b.h.

Q. What was the intention of the Reichministry of Economics.

A. The Reichministry of Economics clearly explained that through the foundation of Eastern companies in which the Reichministry of Economics was to participate it was to be avoided that the German governmental commissars would take over all the Russian factories. The supervision of these companies was done by other agencies than the Reichsministry of

economics. They also had the idea to prevent that industry to carry out any independent actions with respect to these factories. At any rate, I do remember that the Reichministry of Economics emphasized that an acquisition of the eastern factories by the eastern companies was not intended. It was only the intention of the ministry that the German industry should support the continued operation of those factories belonging to the Russian state.

Q. And what was your position with respect to that request?

A. I was not very pleased with that order because I feared that the nitrogen syndicate would be given orders which surpassed its capacities. The nitrogen syndicate is a purely commercial enterprise which only had the functions of a distributor. We lacked the technical machinery. I at first tried to get away from the entire matter.

Q. Did you succeed in doing that?

A. The Ministry explained to me that the Nitrogen East G.m.b.H. would not receive any technical function, that is the management of the new factories. The commissars, the trustees were to be appointed by the Reich and were also to be responsible to the Reich. It was merely intended that we would place at the trustees' disposal the expert support of German industry and also assist them in the acquisition of material, etc.

Q. Did you comply with the request by the Ministry?

A. In my opinion, that was not a request but an order by the Ministry. We agreed on behalf of the syndicate, but we asked that all the misgivings we had be put down in writing and be included in the contract.

Q. And did that actually happen?

A. The Ministry replied that the contracts pertaining to all eastern companies were to have the same wording as far as it was possible. A compromise was then reached that between the Syndicate and the Ministry a correspondence was to take place which was to clear up these matters.

Q. Did the I.G. Farben exercise any influence in the foundation of the Nitrogen East G.m.b.H.?

A. No. At that time Farben didn't know anything about Nitrogen East G.m.b.H.. The negotiations were only carried out between the Ministry and the Nitrogen Syndicate.

Q. Did you inform Farben about your negotiations?

A. Yes, the business management of the Syndicate had to inform all the partners of any such event, in order to inform them about the part of their participation.

Q. Who, according to the Ministry of Economics, was participating in the plans of the Nitrogen East G.m.b.H.?

A. The Ministry of Economics had demanded that all the partners of the Syndicate, according to their share in the Nitrogen Syndicate, G.m.b.H. would also have shares in the Nitrogen East G.m.b.H.

Q. How were the partners informed?

A. The Syndicate sent a circular with similar wording to all the partners, including Farben. Since I knew that Farben had to participate in other eastern companies, I also wrote a special letter to a number of members of the Commercial Committee in which I informed them of the establishment of the Nitrogen East G.m.b.H. Furthermore, I asked Dr. Sander of the Syndicate, who was the legal advisor of the Syndicate, to establish contact with the Legal Department of Berlin NW 7 because I wanted to know if the information from the Ministry of Economics that all the contracts were to have the same wording was actually in accordance with the truth, and because I also wanted to know in what manner the situation was dealt with there with respect to Chemie Ost G.m.b.H.

Q. Does your present testimony refer to the document submitted by the prosecution, NI-4962, Exhibit 1190, Book 64, page 13? This is a letter by the Legal Department of Berlin NW 2 directed to a number of gentlemen of Farben who were concerned with the charter pertaining to Chemie Ost G.m.b.H. I shall quote one sentence from that document. "Proposals by the Nitrogen Syndicate were also taken into consideration." I shall repeat my question. Does your present testimony refer to the matter contained in that document?

A. This is a copy of what had been discussed during that meeting of the lawyers of the Syndicate and Farben with respect to that matter.

Q. In that connection I should like to draw your attention to another prosecution document, that is Exhibit 1561, Book 64, page 14 -- I beg your pardon, page 15. This is a letter by Herr von Schnitzler, of the 8th of August 1941, to the economic group, chemical industry, in particular directed to its head, Dr. Ungewitter. In this letter, Herr von Schnitzler mentions a large number of difficult problems and refers to a file note which you, Mr. Oster, drew up concerning a conference with Mr. Mulert of the Reich Ministry of Economics. What is the significance of that file note?

A. Today I really cannot remember the file note, but I assume that we are here concerned with the difficulties I experienced with the Reich Ministry of Economics and about which I just told you.

Q. Very well. Was the Nitrogen East G.m.b.H. actually founded afterwards?

A. Yes.

Q. How high was its capital?

A. One hundred thousand marks.

Q. Who was in charge of the company?

A. That was the business management of the Nitrogen Syndicate.

Q. Who was in the Administrative Council of the company?

A. In the Administrative Council there were four gentlemen of the Reich Ministry of Economics and other agencies of the Reich, and four members of the Administrative Council of the Nitrogen Syndicate.

Q. And now, Mr. Oster, would you explain very briefly what the activity of that company was?

A. The only task with which the company was entrusted was the support of the Russian factory Kamenskoje on the Dnjepr. This factory had been partly dismantled by the Russians before their withdrawal and was to be put into operation again. The trustee of that factory now used the services of the Nitrogen East G.m.b.H. in order to obtain trucks, raw material, electrical equipment, machinery, for the factory Kamenskoje. All these articles were bought by Dr. Assmann, a technical expert in Germany, and were sent to Kamenskoje. We asked for Dr. Assmann's services. He was also appointed technical representative of the Goebchen for the nitrogen plants in the eastern occupied territories.

Q. And how were these orders placed?

A. The orders were placed by the Nitrogen East G.m.b.H. on behalf and on account of the plant Kamenskoje. As far as I remember, the payment was made by Kamenskoje from a credit which was given through a credit agency of the state in the east to the trustee.

Q. Mr. Oster, did the Nitrogen Syndicate get back its expenses which

it had on behalf of Kamenskoje?

A. No. As far as I remember an amount, if I am not mistaken, of two hundred and fifty thousand marks was never paid to the Syndicate.

Q. Who actually repaid the money? Was it the factory or was it the Reich?

A. The money was paid back by the factory on the strength of the credit which I just mentioned.

Q. One more question. Did the Syndicate appoint the trustee of the factory Kamenskoje?

A. No.

Q. Did it have any influence with respect to his position?

A. No.

Q. Did this trustee have to obey any directives from the Nitrogen Syndicate?

A. No, we had no influence on him whatsoever.

Q. Did you, Mr. Oster, ever inspect that Russian factory?

A. No, neither I nor any other business manager of the Syndicate ever inspected Kamenskoje or any of the other factories.

Q. Were other factories then put under trusteeship in the occupied territories in that manner?

A. Only Kamenskoje was the only one which was dealt with in that manner. There were two smaller factories, Gorlovka and Smolenska, which had been almost entirely dismantled by the Russians and as far as I know an Italian Army group took away all the metal left over in those factories on the occasion of the Italian metal collection. These factories therefore could not be put into operation.

Q. Mr. Oster, would you please state very briefly how the activity of that company developed in the subsequent period.

A. One day, I think at the end of 1942 or the beginning of 1943, we were informed that Dr. Schieber, the head of the Armament Supply Office, had inspected that factory and we also learned that he was dissatisfied with the activity of the Nitrogen East G.m.b.H. Nitrogen East G.m.b.H. was therefore dismissed and the Ruhrchemie was entrusted not only with the trusteeship but also with the management of that factory.

Q. That is to say, as from that day the Nitrogen East G.m.b.H. ceased its activity?

A. Yes. In fact we did nothing else. We were glad to be rid of that task. The current deliveries were made and a final report drawn up.

Q. Was Nitrogen East G.m.b.H. liquidated subsequently?

A. Yes. The company meeting decided upon the liquidation, but according to German trade law a firm which is being liquidated has to remain in liquidation for one year and as a consequence of the Russian advance the Nitrogen East G.m.b.H. was never formally liquidated.

DR. HENZE: We can now conclude this chapter too. In this connection, I should like to offer a number of documents. The first is Document No. 42, which will bear Exhibit 46. It is an affidavit by the former Oberregierungsrat in the Ministry of Economics, Dr. Hoffman, who discusses these eastern companies quite generally. I may quote. "The obvious procedure of handing over individual enterprises to specific German firms was not adopted in order to avoid possible conflicts between individual interested parties or even claims for subsequent acquisition." There is another short quotation. "For all the branches of the chemical industry, so-called trustee companies were established, the task of which was to support all the trustees with advice who had been appointed to the various plants."

As the next document, I shall offer Document No. 43. This will bear Exhibit No. 47. It is a copy of the letter of the Nitrogen Syndicate to the Reich Ministry of Economics of the 24th of July 1941, concerning the foundation of the Nitrogen Syndicate and in which the Nitrogen Syndicate voices its misgivings and in particular expresses its desire to have its obligations limited. This letter is identified by an affidavit of Egon Becker, who has been mentioned before.

From the next document, No. 44, which will become Exhibit No. 48, a publication in the Deutsche Reichsanzeiger. I should like to quote

what is mentioned as being the purpose of the new company, "advising and helping the nitrogen enterprise, in the occupied territory." This publication in the Reichsanzeiger is also identified by an affidavit of Mr. Becker.

As my next document, I shall submit an affidavit by Dr. Sander, Lawyer Dr. Sander, who formerly was the legal advisor to the Nitrogen Syndicate. This is my Document No. 45 and it will become Exhibit No. 49. From this detailed statement by Dr. Sander, I shall merely quote the following. "The Nitrogen East G.m.b.H. had been established upon the order and instigation of the Reich Government through the partners of the Nitrogen Syndicate."

The last document in connection with that subject will be an affidavit by Dr. Assmann, who was just mentioned by my client. This is Document 46, which will become Exhibit No. 50. Mr. Assmann describes his activity on behalf of Nitrogen East G.m.b.H.

THE PRESIDENT: Counsel, we have supplied a Document No. 46 for that document. It has no number in our book.

BY DR. HENZE (Continued)

Q. Mr. Oster, we shall now leave that subject and turn to your connections with the Norwegian producers, Norsk Hydro. Would you please briefly tell us about these connections.

A. Farben's connections with Norsk Hydro originated in the year 1909. They were very friendly. Norsk Hydro, in 1908, by using water power had constructed the first synthetic nitrogen factory. According to the Birkeland-Eide process they produced Norge saltpeter, the only nitrate fertilizer which was synthetically produced at that time. The predecessor of Farben, the Badische Anilin and Soda Fabrik, was working on a similar process at the time and they concluded a contract with Norsk Hydro for common work in that field. This common work started in 1909, at Lutotthen, Norway. A few years thereafter, the Badische Anilin

and Soda Fabrin started on the Haber-Bosch process. This process, from an economic point of view, proved to be superior to the Norwegian process and that is why the cooperation of these two firms ceased, temporarily, in 1913. Between 1925 and 1926, Farben brought a calcium saltpeter on the market which was superior to the Norwegian Norgo saltpeter. For that reason Norsk Hydro once more came closer to Farben and this led, in 1927, to a contract between these two firms. The essential contents of this contract was the following. First, Farben agrees to give to Norsk Hydro a license and technical know-how for the Haber-Bosch process as well as the know-how for the production of individual fertilizer types. Second, an exchange of shares between the two firms. Third, General Director Aubert of Norsk Hydro entered the Aufsichtsrat of Farben and Geheimrat Schmitz entered the Styren of Norsk Hydro. Fourth, the sale of Norsk Hydro production in the future, as well as the sale of Farben products is handled by the Nitrogen Syndicate at Berlin.

Q. Mr. Oster, was this contract, according to which the Nitrogen Syndicate was to carry out the sale of Norsk Hydro production, not a limitation of Norsk Hydro?

A. No, on the other hand it was favorable if Norsk Hydro used the sales organization of Farben which was better developed and was therefore much cheaper than the Norsk Hydro sales organization.

Q Were you yourself participating in the contractual negotiations with Nordisk Hydro?

A No, my predecessor, Dr. Buer participated in these negotiations. After my joining the Nitrogen Syndicate, I was responsible for all questions concerning sale of fertilizer nitrogen, which was treated by the Nitrogen Syndicate in connection with Nordisk-Hydro. Our connections with Nordisk Hydro were very close. I had agreed with Dr. Aubert that Nordisk Hydro should send one of their directors to Berlin, who would permanently establish a liaison office with the Nitrogen Syndicate.

Our relationship with Nordisk Hydro became very close and even friendly because of the open and frank discussions.

Q How did Nordisk-Hydro's relationship with Farben develop after the contract had been concluded.

A Relationships with Nordisk-Hydro naturally suffered somewhat, and this was due to the fact that when Nordisk-Hydro came out with the new products, according to the Haber-Bosch process, the nitrogen turnover crisis started in the world market. This was a consequence of a general agricultural crisis. It was also a difficult factor that in almost all European countries, and even outside of Europe, nitrogen factories were being constructed, which were operating according to processes which were an imitation of the Haber-Bosch process. All of these factories started operation simultaneously which naturally caused the market to be severely shaken, as a consequence of which Hydro had difficulties as to its sales.

Q Didn't Dr. Jacobi state that in his affidavit Exhibit 592?

A Dr. Jacobi judged the situation in the same way as I. He at that time made the same experiences with regard to these developments when he had a leading position in the syndicate.

Q Mr. Oster, let us return to Nordisk Hydro. Perhaps you will briefly tell us what this development meant with respect to your relationship with Nordisk Hydro.

A As I said before, Norsk Hydro experienced the same difficulties as to its turnover as the Nitrogen Syndicate itself. During the negotiations for the establishment of the CIA, as well as during all other negotiations, Hydro appeared as an independent Norwegian group. The requests for an export quota with CIA could not be fulfilled for Norsk Hydro, and the continuation of the CIA contracts was endangered because in Norway there was a trust control by the state, which was entitled to cancel every contract concluded between a Norwegian and foreign firms, if, in the opinion of the Trust Control it damaged the Norwegian public interest. At that time in order to assist Norsk Hydro, and also for their own interest in order to bring about an European Convention Farben surrendered some of their own quota to Norsk Hydro. The provisions of the contract of 1927 were changed accordingly.

Q You said, "In order to help Norsk-Hydro, and also in order to serve their own interests". Perhaps you will be good enough to explain why one agreed to make this sacrifice.

A In such cases it's always the bigger one that has to sacrifice something. The sacrifice was rather hard on Farben because they certainly would have had more profit if the quota surrendered to Hydro was produced by themselves in their own plants in Germany. On the other hand, however, it was our aim to bring about an international understanding. As businessmen we thought that a failure in general cooperation and understanding would be more dangerous for the future than the danger experienced as a result of that sacrifice. This was our commercial trend of thought.

Q How did the relationship with Hydro develop in the subsequent period?

A After the world turnover increased, the sky once more became blue for ourselves and Norsk Hydro, and the relationship with Norsk Hydro continued to develop in a friendly manner up until the end of the war. The burden which was placed upon Norsk Hydro by the German occupational authorities, did not only not disturb our relationship, but actually

improved it.

Q I shall now turn to a subject to which the Prosecution attaches some importance. It is the fact that you became the member of the Stuerer of Norsk Hydro. The Prosecution in their trial brief state that your entry into the Stuerer is in some way the first step toward a spoliation by Farben. Would you be good enough to tell me when you became a member of the Stuerer of Norsk Hydro?

A That was at the end of 1940.

Q Did Farben, or did the Nitrogen Syndicate propose you for this Hydro position or were you forced upon Norsk Hydro?

A In no way at all. On the contrary, one day the deceased General Director, Dr. Axel Aubert, came to Berlin. Obviously, this was the occasion when he visited Professor Krauch in order to discuss with him the plans concerning Koppenberg, the Plenipotentiary of Goering with respect to light metals, and in order to ask for Farben's support with respect to these exaggerated plans. Since I was a friend of Aubert's he called upon me. We had known each other ever since the year 1900 when we were students. I then invited Mr. Aubert for supper in order to make him acquainted with the woman who was later to become my wife. On this occasion he asked me to join the Stuerer of Hydro.

Q Well, he asked you; and what was the reason?

A Mr. Aubert told me that Farben's representative in the Stuerer, Geheimrat Schmitz, throughout the 14 years he had belonged to the Stuerer, was in Norway only one single time, and that therefore Norsk Hydro had not received that support from him which it needed so much at the present time.

Q What do you mean, "at present"? What did Aubert mean by that?

A The leading gentlemen of Hydro did not harmonize at all with the Quisling Government, and they made no bones about that either. Consequently, their situation was very difficult in dealing with the German occupation authorities, and acute difficulties had arisen on different occasions and in such cases, a German could naturally be of more

assistance to them than a Norwegian.

Q Mr. Oster, initially when discussing relationship to the Wehrmacht, you were already mentioning a trip which you made immediately after the occupation of Norway. This trip took place prior to Aubert's visit? When you joined Norsk Hydro at the time, was this the reason why Aubert then afterwards mentioned this request?

A I believe so. Of course, Mr. Aubert mentioned it to my wife with very kind words, that I had helped him and he also voiced his appreciation.

Q Mr. Oster, what was your reply to this demand by Aubert?

A I thought that the offer did me great honor, but at the same time I feared that it would entrust me with new tasks. At the time I was 62 years of age, and I repeatedly had voiced the desire to retire. That is why I was not enthusiastic about that offer, and I frankly told Aubert about it.

Q But you finally did agree, did you not?

A Mr. Aubert tried to persuade me as much as he could, and he tried to win over my wife on his side, and on the next day, I agreed.

Q Mr. Oster, a few more questions with respect to that subject, because the Prosecution connects this appointment with Norway's spoliation, and the construction of the light metal factories being considered as part of the spoliation. Mr. Oster, were you an exponent of this group of Farben producing light metals?

A No.

THE PRESIDENT: We will recess until one-thirty.

(Tribunal in recess until 1330 hours.)

AFTERNOON SESSION

(The Court Reconvened at 1330 hours, 7 April 1948).

THE MARSHAL: The Tribunal is again in session.

DR HEINRICH OSTER -- Resumed

DIRECT EXAMINATION -- Continued

DR. HENZE: Mr President, my colleague Bornemann asked me to request the Tribunal to excuse the Defendant Ter Meer from the session tomorrow for the preparation of his defense.

THE PRESIDENT: That request is granted.

DR. HENZE: Mr. President, during the recess I talked to the Secretary General about the index of Volume II. At his request, I want to clarify the volume for the record.

Document 30 is exhibit 34. That is the survey of the International Agreements. Document 31 is exhibit 38 -- this is a report about discussions in Holland. Document 32, which is exhibit 42, deals with Mr. Lheure. Document 34, which is exhibit 44, refers to Mr. Rieger. Document 35, which is exhibit 37, refers to Mr. Schatzel. Note also the fact that one of these documents has received an exhibit only for identification has not been changed at all.

THE PRESIDENT: We have verified your statement on our books, Counsel, and in the further interest of clarification, we understand your Document 32 marked exhibit 42 is the document which was marked for identification only.

DR. HENZE: No, excuse me. Document 33 which is exhibit 43 -- that's the document.

THE PRESIDENT: Very well. And, we have made that correction.

DR. HENZE: Mr. President, it was pointed out to me that in this morning's sessions when we talked about this confusion with Mr. Sprecher you asked me something which I did not answer. I didn't hear your question and therefore I beg your pardon if I didn't answer you.

THE PRESIDENT: There is no harm done because I have forgotten what I asked you.

DIRECT EXAMINATION BY DR. HENZE:

Q. Mr. Oster, we just discussed your appointment to the Styre, that is, the Board of Directors of Norsk-Hydro. Since the Prosecution brings this point up in connection with the spoliation of Norway, I have a few additional questions to put to you. Were you, in Farben, the man responsible for the Sparte which produced light metals?

A. No.

Q. Did you know anything at all about the production of light metals?

A. No, I never had anything to do with it.

Q. If the assumption of the Prosecution is correct, were you the proper person for that position among the Vorstand members of Farben?

A. If one looks at it from that aspect, certainly not.

Q. And I want to ask you this. Did you make any financial profit by reason of your membership in the Styre of Norsk-Hydro?

A. I was given the same remuneration as any member of the Styre received. I didn't get any personal advantage because such remunerations were deducted from the income which the Vorstand members received from Farben.

Q. Then, the salary which you received as a Vorstand member was reduced by what you received from Norsk-Hydro?

A. Yes.

Did you exercise any influence on the business management of Norsk-Hydro?

A. No. I considered it merely my duty to be the German representative towards the German occupational forces.

Q. Did you become active in that connection?

A. Yes, several times.

Q. Please, report briefly about that.

A. Already before the beginning of the war, Norsk-Hydro ordered large quantities of deuterium oxide for their electrical production. That's the so-called "heavy water" which was used up to that time for the production of substances used in physical chemistry and in medicine. H. Aubert told me that the German Military authorities demanded an expansion of this plant. Obviously, the heavy water plant was in some way connected with atom fissure or rather the heavy water that was produced from it.

M. Aubert felt embarrassed at this demand of the authorities.

For one thing, a fulfillment of this order would have brought about a reduction of the nitrogen production and, on the other hand, M. Aubert received confidential reports from England to the effect that there was no objection against the nitrogen production of Norsk-Hydro but that the high pressure brought to bear upon the production of this heavy water might be cause enough for England to send over the Royal Air Force against this plant. This heavy water plant had already been destroyed once before by Norwegian patriots, a fact which confirmed Mr. Aubert's assumption which he had gathered through Norwegian friends.

M. Aubert was such a close friend of mine that he could risk giving me this very confidential information. From that time on, the Rjukan plant, which was the one nitrogen plant of Norsk-Hydro which included the heavy water plant, was placed under strong military protection by the Wehrmacht. This also was very embarrassing for Aubert. All the time generals and other persons came to inspect this plant which had become interesting because of these bombing attacks. That was extremely disagreeable to Mr. Aubert, alone when considering the workers who were apprehensive of their own safety should the Royal Air Force do something.

The plant was situated in a narrow valley, and an air raid on this nitrogen plant would have destroyed the entire little town of Rjukan.

At the beginning of August, 1943, when Aubert had become the chairman of the Styre and Eriksen had become his successor as Director General, I received a letter from Eriksen in which he informed the members of the Styre that German authorities had again requested another expansion of the heavy water plant. After I received this letter in Berlin, I immediately went to the Ministry of Economics and asked for support against this menace to nitrogen plant in Rjukan. The Ministry of Economics was given a copy of a letter from Eriksen to

me and they sent it on to the German authorities interested in the production of Norsk-Hydro and called a meeting. In that meeting, I made the fears of Mr. Eriksen my own and I was able to convince the authorities that Mr. Eriksons complaints were justified. In the further course of events production of heavy water in Rjukan was abandoned and the whole of the heavy water plant was transported to the continent.

Q. You wanted to describe briefly another case.

A. When, upon the request of the Air Ministry, the factory of the Nordisk Letmetall was constructed, there was a power plant provided for this factory the construction of which naturally took a long time. Mr. Koppenberg ordered the power plant of the nitrogen factory the construction of which naturally took a long time. Mr. Koppenberg ordered the power plant of the nitrogen factory to aid with a supply of electric current until the plant belonging to the light metal factory was finished. That, of course, would have caused an interference with the nitrogen production.

The Reich Ministry of Economics learned about this and requested my support since any deficiency of the quantity of nitrogen at that time would have made the nitrogen in Central Europe even more difficult. I endeavored very much to prevent Koppenberg's plant which could not be carried out now because of the destruction of the light metals factory for the time being.

Q.- Mr. Oster, since you are apparently an efficient expert about Farben's relations with Norsk Hydro, I should like to ask you in this connection whether according to your knowledge Farben tried to dominate Norsk Hydro?

A.- That was not true at any time during the development. This was not even true during the war. I had the impression, as a matter of fact, that my colleagues who worked on the light metals project with Norsk Hydro were particularly concerned with even avoiding the impression that they might exploit the then military situation of Germany in order to bring any pressure to bear on Norsk Hydro. Whoever knew Mr. Aubert, by the way, would never have gained the impression that any such attempt to take influence upon Norsk Hydro would have been successful. Aubert was such a forceful personality, and besides that we had so much confidence in everything that Aubert did that such plans were completely out of the question. Norsk Hydro sent to their members of the Styre a quarterly report every three months. This quarterly report had attached to it credit applications of the administration of the Norsk Hydro if they planned new constructions or reconstructions and needed money for those purposes. I don't know of a single case while I was in Norsk Hydro Styre that any one of these applications of Norsk Hydro was criticized or rejected. One single time did I hear of an application of Norsk Hydro for the construction of a small formic acid plant which was not immediately answered in the affirmative by me because I knew that difficulties would arise with

the Ministry of Economics that I wanted to clear out of the way first. That is the only case where we did not answer by return mail in the affirmative, Mr. Schmitz as well as I, to a request Mr. Aubert made to us.

Q.- Mr. Oster, in this connection I merely want to refer to one affidavit which the Prosecution has submitted that you gave to them. In this affidavit you make statements about the situation with Morsk Hydro. This is Document NI-6762, Exhibit 1210, in Book 65 on page 99. You expressed your intention of correcting this affidavit. Please do so now.

A.- Yes, on page 2 of the original of this affidavit I indicated the ownership of the French in the shares before the increase of capital with 68 percent. I want to correct that. I do not know this figure to be exact today either.

Q.- What caused you at the time to give this figure of 68 per cent?

A.- During the interrogation by Mr. Newman before the trial began he asked me about this share, and I told him that I had notes in my cell that I wanted to bring along in the afternoon when I would answer his question. During the second interrogation I gave him this answer and said that it was 68 percent, but I said at the same time that that was my knowledge from notes that I had made in the Ludwigsburg camp on the basis of information that my colleagues gave me. In the meantime, however, I have found out that this statement of my colleagues, was also erroneous. These statements I made on the same page, that the French majority was reduced to a minority is incorrect for the same reason that I stated just now. I have no further comment about this.

Q.- Do you then want to say that it is incorrect or that you know nothing about it?

A.- I don't know any exact facts about it, and I wasn't able to get any exact knowledge about it.

DR. HENZE: Thank you very much.

In conclusion I want to offer a few documents. Document 47 will become Exhibit 51. This is an affidavit of the wife of my client who was present during the conversation with Dr. Aubert about Mr. Oster's entry into the Styro.

The next document will be No. 48 which I offer as Exhibit 52. This is a letter which General Director Erikson of Norsk Hydro wrote to Mr. Oster, while he, Erikson, was a prisoner of war in Germany. This letter shows the trust which Mr. Erikson placed in my client and it corroborates what my client has said during his examination in chief.

Document No. 49 I offer as Exhibit 53. This is a letter of the same Mr. Erikson, dated 28 January 1947, written to Mr. Oster. The tone of this letter speaks for itself. Mr. Erikson attached an affidavit about Mr. Oster that again will speak for itself. In connection with the controversy that my client has just mentioned that arose between the Ministry of Economics and Mr. Koppenberg, I submit as my Exhibit 54 my Document 50. Mr. President may I point out that the No. 50 has been omitted in the index? This is a letter from the Reich Ministry of Economics to Mr. Koppenberg. The Reich Ministry of Economics sent this letter to my client with the request of enlisting his support against the far-reaching plans of Mr. Koppenberg. The support which my client gave to Norsk Hydro in the extremely unpleasant affair of the heavy water plant, is dealt with in my Document 51 which I offer as Exhibit No. 55. The Reich Ministry of Economics to which Mr. Oster gave the letter of Erikson, called a meeting, and in this meeting, in which Dr. Oster also participated, the decision was made to transfer the heavy water plant from Norway to the continent.

My document 52, which will be offered as Exhibit 56, is the letter of Norsk Hydro to the Vorstand about which I have just now spoken. The last document in this connection will be an affidavit of Dr. Hoffmann of the Reich Ministry of Economics whom I have already mentioned. This is my Do-

cument No. 53 which will become Exhibit 57. At the end of this document Mr. Hoffmann describes the gap that might arise if one reads the preceding documents in this book. He testifies to the effect that Dr. Oster took the initiative in the heavy water affair.

This concludes my examination in regard to Count II of the indictment. I now turn to Count III of the Indictment.

BY DR. HENZE:

Q.- Mr. Oster, I want to ask you a few things about the employment of foreign workers in Germany and with Farben in particular. What did you know about the employment of foreign workers in Germany?

A.- Since I was the chief of a commercial enterprise, and I didn't visit any plants during the war, I had no knowledge of my own about such questions. One heard in the streets of Berlin and in the streetcars many workers who conversed in various languages. They all moved about freely just as I did. They were both men and women from countries that were not at war with Germany, but there were also people from occupied territories. Whether they had come to Germany by force one could not determine by looking at them. From their behavior that was by no means to be concluded. I must say, however that many Russian women were working in the subway of Berlin, the city railway, and that the manner in which they were herded around by the supervisors was not a very friendly manner, and I was able to see this because I had to wait for trains, for hours at times.

About the recruitment of foreign workers for Farben, I was for the first time informed in 1941. I met an acquaintance who was working for the Gebechem during the war and whom I knew from Leuna. He told me that he himself had recruited foreign workers in a voluntary basis, just as Professor Krauch has described during his direct examination. The fact that the recruitment of workers in France later on was not conducted on a voluntary basis, as is customary in democratic countries, I learned during a

conversation with Director General Lelong of the French Nitrogen Syndicate, who asked me, as I said previously, to see to it that the French nitrogen industry might retain its workers. As a result I visited the competent men from the military administration and intervened for having this industry retain its workers.

Q.- Mr. Oster, did Monsieur Lelong tell you of any details at the time?

A.- No.

Q.- Approximately how these firms were allegedly deprived of their workers?

A.- No, he only told me of the fact as such. I am sure he did that. I saw foreign workers with Farben for the first time when he evacuated our Berlin office from the imminent invasion of the Russians and when I moved to Wolfen in the autumn of 1944.

After a very unpleasant incident, I was able to look at the very extensive barracks of the Polish workers. On the trip on my bicycle from Wolfen to Bitterfeld I was ambushed by two Poles who knocked me from my bicycle with heavy sticks, and when I didn't want to give them my bicycle, they hit my fingers and mutilated both of my thumbs. A jeep with American soldiers, military police, that passed by took me along and immediately took me to the Polish barracks where they had hidden my bicycle. I must say that I was extremely astonished when I saw the Polish barracks under which I had imagined something quite different. How comfortable, relatively speaking, for a barracks, of course, these barracks were equipped and how these people were living. That was directly after the conquest of Germany and all of the barracks were still full of Poles.

Q They were the same barracks in which they had been living before the collapse?

A Yes.

Q Did you at any time previous to that hear anything about the manner in which these foreign workers were brought to Germany?

A No, they moved freely in Wolfen just as all German workers did.

Q Did you know that prisoners of war were working for Farben or rather whether they worked for Farben?

A I didn't know that from my own knowledge, but I considered it a matter of course, self-evident, for during the First World War many Russian prisoners of war had been working on the construction of Leuna where I saw them myself.

Q Did you know that Farben employed concentration camp inmates?

A I didn't know anything about that. I heard this for the first time, namely that Farben employed concentration camp inmates, when I was in the Ludwigsburg camp, and where one of my colleagues told me about it.

Q Mr. Oster, one more thing, you have just related what you know about the employment of foreign workers in Germany. Does this knowledge come from your participation in Vorstand meetings of Farben?

A If that had been my sole source of information, the Vorstand meetings, then I wouldn't have known anything about it, for during the Vorstand meetings, as far as I remember, this was never discussed.

Q Isn't that astonishing, that such problems were not discussed?

A No, I am not astonished at all, because the employment of workers was a question of the individual plants, and the plants had to settle that question with their labor offices. It was a problem that arose almost automatically in Germany around that time, because the state handled these matters authoritatively, and the individual enterprises were not permitted to decide on this question. In the nitrogen syndicate I had the same trouble with my employees. I don't know from what year on that was, but at any rate still before the war we couldn't fire or hire any workers without the approval of the labor office.

Q Did you participate in meetings of the technical committee?

A During the war I attended only two or three meetings because of my interest in very good lectures that were the first point on the agenda.

Q I now turn to another count of the indictment. Briefly, what knowledge did you have about medical experiments and the Degesch?

A I never heard anything about medical experiments and the existence of Degesch was unknown to me until this trial. As far as I know the Degesch was never discussed in the Vorstand at all. Just as most of my colleagues, I had no knowledge of the participation of Farben in other enterprises, apart from those which were mentioned every year in our business reports or such about which we discussed, about which we heard reports in the Vorstand. Only here during the trial did I hear of a whole number of large and small enterprises in which Farben had certain shares.

Q Mr. Oster, one question in connection with Count V of the indictment. The indictment charges you too with having conspired with the other Vorstand members in order to begin a war of aggression or in assisting in its preparation, in order to commit war crimes. What can you say in that connection?

A I must say I am at a loss how I should answer this question. The prosecution has not introduced any proof to corroborate such a statement from which I might start making my comment, but I want to point out one fact which can show, in my opinion, that no conspiracy existed. As far as I know no Vorstand member of Farben was asked by Professor Bosch about his opinion before Professor Krauch was appointed to the Reich office. Not even the members of the central committee were asked by Bosch. I do not want to say by that that any opposing opinion would have prevented Bosch from complying with Goering's desire or request. My colleagues and I had only one conspiracy, to serve the interests of our firm as best we could and to conduct our business in a decent manner, but apart from that we were all men of such varying ages, temperaments and character, each of us had the urge of being an individualist, we only saw

each other on rare occasions at the meetings when we really had not time for political discussions. Altogether we were very little predestined to become an enterprise of conspirators and this impression of mine has been corroborated during my observations during the internment and confinement where one gets to know each other very closely.

DR. HENZE: This, Mr. President, concludes the presentation of my evidence.

THE PRESIDENT: Do any other defense counsel desire to interrogate the defendant?

DR. DIX: Dr. Rudolf Dix for Dr. Schmitz.

EXAMINATION

BY DR. DIX:

Q Dr. Oster, on the direct examination you told the Tribunal that you were a friend of Aubert's, that you had known him for quite sometime, and that at the end of 1940 he visited you and was invited into your home in Berlin. Do you know of a later visit of Monsieur Aubert, after this visit in your house when he was invited, that Monsieur Aubert made in Germany?

A. No, as far as I know, Mr. Aubert never came to Germany after that time.

Q. You say very properly as far as you know. May I ask you are you of the opinion that in view of Aubert's relations with you, Mr. Aubert would have gotten in touch with you if he had made another visit, that is to say if he had come to Germany after 1940?

A. I do believe so because if Mr. Aubert wanted to come to Germany, he had to comply with a very complicated process in order to get an entry permit, and he would not have undertaken a trip to Germany without asking me to help him. He was a man of my age, and he wanted to have a pleasant trip.

Q. Do you know anything about the fact that my client, Mr. Schmitz, was in Norway during the war?

A. Mr. Schmitz didn't take trips during peace time; he didn't like to; and, during war he would never have made a trip to Norway. At any rate, I didn't hear anything about any such trip to Norway.

Q. In order to refresh your memory, may I put to you two passages in documents. One passage is from Exhibit 1193 of the Prosecution, that is NI-8097, in Book 65; that is a record of the Vorstand Meeting dated 5th February, 1941. It is stated in that record Haefliger and Dr. Moschel reported about their negotiations in Oslo with the Norsk-Hydro regarding a magnesium plant of ten thousand tons in Herøen; and then it is further stated the Vorstand makes the resolution that according to the attitude of the decisive authorities and in the final analysis Norsk-Hydro should get 40 per cent, Farben 30 per cent and Koppenberg 30 per cent. Then there is a further passage in Prosecution Exhibit 1263, that is NI-8086, in Book 65. This is another report about the financing project at the beginning of 1941 in Oslo. This project was to be submitted to the representatives of the French group by Mr. Wallenberg. This is only to refresh your memory. Now, I want to ask you if one reads and if one starts from the assumption that Aubert was in Germany for the last time at the end of 1940, and, that Mr. Schmitz did not travel at all to Norway during the war, then

one can draw the logical conclusion from that that Schmitz had no connection in any way with these negotiations in Oslo at the beginning of 1941, unless you know of any circumstances or facts from which one can see that he nevertheless had knowledge of this despite all that I have said. My question to you is: Do you know of any circumstances or such events from which one could conclude that he participated in these negotiations or that he was familiar with them in any way.

MR. SPRECHER: Mr. President, I must make an objection to this. We must make objection to this; it is really not a question, I think in the words of one rather famous witness on the stand, it is more like a speech. I think Dr. Dix can make his point, his argument by briefs but that he should direct his questions to facts.

THE PRESIDENT: Considerable time could have been saved by simple statement of the question. The question is very simple and entirely proper. Do you know of any circumstances that would lead to what Counsel has asked you about, Mr. Witness?

A. To be quite frank, Mr. President, I didn't understand the whole matter.

THE PRESIDENT: I am not at all surprised.

A. In the Vorstand the experts who were directly concerned with this affair reported, that is contained in the Minutes of the Vorstand --

BY DR. DIX:

Q. There is no question about that.

THE PRESIDENT: Now, Dr. Dix, without all the preliminaries, state the question again and perhaps the witness can answer you now.

DR. DIX: Yes, I was just going to do that, but I had to make this preliminary announcement in order to show the justification for my question.

THE PRESIDENT: Well, just ask the question.

BY DR. DIX:

Q. Doctor, do you know of any circumstances of a factual nature, or any event, from which it could be seen that Schmitz had knowledge about

the negotiations in the spring of 1941 in Oslo; or, that he was in connection with these negotiations or that he perhaps was even participating in these negotiations?

THE PRESIDENT: Now, Mr. Witness, that is a very simple question, and it occurs to us that you should be able to answer it yes or no. If you can answer it yes or no, we would appreciate it if you would answer that way.

A. As far as I know, the answer is no.

THE PRESIDENT: That is complete.

BY DR. DIX:

Q. An entirely different question now, Mr. Witness. You made certain statements that you heard from your colleagues about Wallenberg's activity in the Norsk Hydro problem. Tell me according to your knowledge was Wallenberg a business man, a first-rate business man of international repute who had the general confidence of many people all over the world?

A. I personally would not permit myself to give any criticism on financial questions because I don't understand them, but I always heard that Mr. Wallenberg was a recognized financier or that he had been such, which, as a layman I can see from the fact that he was a member of the Biz, a Bank for International Settlement, and that he conducted negotiations for them in Berlin at least, and, that my friend Aubert always spoke of him with the greatest respect in my presence.

Q. Thank you very much. Dr. Oster, during your interrogation by your Counsel, you mentioned your affidavit, Exhibit 1210, NI-6762, and made certain corrections. You said in that connection you had no documents available at the time, but that even today you still did not know anything definite about the distribution of shares of the Norsk Hydro. Now, I want to ask you; Did you recently receive any documents from Mr. Eriksen about the distribution of these shares of Norsk Hydro to the I.G. Chemie, the Norwegian Group, the Swedish Group?

A. Yes.

MR. SPRECHER: May I ask if that has to do with distribution before the war or after the war, or, I should say during the war.

DR. DIX: This period is 1937, 1938 and 1940, before and during the war.

BY DR. DIX:

Q. Have you already answered my question --

A. Yes.

THE PRESIDENT: Yes, in the affirmative.

BY DR. DIX:

Q. That you did receive these documents.

A. Yes, my Counsel received these documents.

Q. Do you remember in the general outline the contents.

THE PRESIDENT: Dr. Dix, the documents would be the best evidence.

DR. DIX: Yes, but they haven't been introduced; I don't have them.

THE PRESIDENT: There has been no showing made that they are not available or can't be produced, and, since it appears that the witness knows something about the existence of the documents very recently, there would have to be some showing made of the inaccessibility of the documents before you would be entitled to prove by parol their contents.

MR. SPRECHER: I might say that we would like to petition to see documents of this nature which are also not in our possession, which we have tried to get previously and would like to have them. Si, if there are any contemporaneous documents on this point, it would be best if they would be out in the open.

DR. DIX: Well, I am in a difficult position; I don't have these documents in the original, and, please don't answer this question, Dr. Oster. I merely wanted to ask the witness whether he regards the general contents about the percentage of the distribution of these shares the way Mr. Eriksen reported them to him or whether he can make statements about them.

THE PRESIDENT: Now, Dr. Dix, the matter is very, very simple. The existence of the documents having been established, and there being no showing that the documents cannot be produced, we would necessarily have to hold you to the rule that the documents are the best evidence. There might be a different situation if the documents had been destroyed or were inaccessible or something of that sort, but on your showing, as it stands now, you should make some disclosure with reference to the documents before you undertake to prove by secondary evidence the contents of the documents.

DR. DIX: Mr. President, I completely understand, but I believe the question has been simplified because my colleague, Dr. Henze, just informed me that he believes he will be able to clarify this problem through direct evidence. That makes my question unnecessary. One minute, please; I think I have everything now. Yes, that is all I have.

THE PRESIDENT: Very well.

DIRECT EXAMINATION

BY DR. HOFFMANN: (Attorney for the Defendant von der Heyde)

Q. Dr. Oster, did you know that there was a department in Berlin, a chief of a department in Berlin of H-7 who also concerned himself with nitrogen questions?

A. Yes, that was Dr. von der Heyde. He was originally in the agricultural department, in Ludwigshafen; then, he was transferred to Berlin in order to take over the agricultural department and the nitrogen question in the VITO.

Q. Can you give me your opinion as to whether or not he undertook or fulfilled this function completely, as far as you were able to judge?

A. Yes. Von der Heyde visited us frequently in the Syndicate and informed or briefed our Foreign Department about negotiations concerning commercial contracts which touched upon our field, agriculture or fertilizer, and I know that the chief of our export department, Director Wahl, welcomed Mr. von der Heyde's help in order to be briefed about the trade treaties before they were published. Besides that, von der Heyde maintained contact with my department, Badamon, which was the liaison department between the Syndicate and Farben; and, above all, he worked very intensively with our agricultural synthetic department and its chief, Dr. Ahlgrimm, who was a well known expert in this field.

Q. Dr. Oster, according to your opinion as an expert, then, von der Heyde actually worked as an expert in the nitrogen field and in the agricultural problems? He actually did valuable work in this connection?

A. Yes. I learned only here in Nurnberg that von der Heyde was also the counter intelligence agent of the Berlin NW/7 organization. Up to that time I had considered von der Heyde only as an expert in the other fields that you mentioned.

DR. HOFFMANN: Thank you very much.

EXAMINATION

BY DR. HARTMAN (Counsel for defendant Buotefisch)

Q. Dr. Oster, you stated that you had known Dr. Buotefisch from 1920 on and that you worked with him in your fields until 1945. You stated further that Dr. Buotefisch became the chairman of a Technical Committee of the Nitrogen Syndicate. Did Dr. Buotefisch accept this position on order or by directive of Farben, or did the shareholders of the Nitrogen Syndicate appoint him for this job?

A. No. Dr. Buotefisch took this position upon the express request of all members of the Nitrogen Syndicate. Dr. Buotefisch had the confidence of all production firms and chiefly those plants from the Ruhr Industry, not only the synthetic industry but the coloring industry as well. Because of his extensive knowledge in this field he was asked to take over this position - to take care of these matters that occurred

now and again in the Nitrogen Syndicate. I can say that the confidence of the members of the syndicate went so far that he was offered the job of an arbiter in technical questions and all the members of the syndicate were ready to accept his decision as binding upon themselves.

Q. You stated further, Dr. Oster, that in the Technical Commission in the International Nitrogen Convention, Dr. Buotefisch was also the chairman. Did Farben or the Nitrogen Syndicate appoint him for this position?

A. No. When the first CIA was concluded in 1930 there was a lot of fighting about the quotas and it was finally agreed that every plant was to be investigated as to its production capacity, for only in this way could one distribute just quotas permanently; the Technical Commission was formed-- a commission of experts from all nations -- who were to discuss and make suggestions about such investigations. After all, that was not very simple. During the discussion about this problem the other members probably found out that Dr. Buotefisch was an extremely well informed expert in this field and therefore he was suggested to the plenary session as the chairman for this commission of experts.

Q. Since you have been associated with Mr. Buotefisch for many years personally, did he ever tell you that he had been invited to the Circle of Friends of Himmler or Koppler?

A. Yes. Dr. Buotefisch came to see me in 1939 at no time and told me that Mr. Kranefuss had reportedly requested him to attend one of these meetings and he told me that Kranefuss had reported his invitation most urgently now. I asked Buotefisch who were the members of this Circle of Friends and he mentioned various people whom I had known for many years, such as Director General Rosterg of Wintershall, Director General Bingel from Siemens, and Dr. Oltscher of the Viag, whose attitudes I had known for quite some time and of whom I also knew what they thought. I had the definite impression at the time that Buotefisch had certain inhibitions about accepting this invitation. On the other hand he was in

the same office with Mr. Kranefuss in the administration of the Brabag (Braunkohle-Benzol Aktiengesellschaft) and therefore it was in the interest of the industries that one maintained good relations with Kranefuss, who was a favorite of Himmler, and upon whom he had certain influence. Besides that, I knew that Kranefuss had supported Buotefisch repeatedly when he approached him with requests to help certain people who were in distress. I know from my own experience that, upon the request of Buotefisch, Kranefuss helped in making possible Dr. Jacobi's emigration (I mentioned that previously already) and in settling his escape taxation. Furthermore, he facilitated getting a passport for Jacobi and his wife when he wanted to come back to Germany, after he had emigrated, by getting in touch with Kranefuss. Therefore I understood that Buotefisch was ready, finally, to accept this invitation. Therefore, because of this fact, we could turn to Kranefuss later and ask him to help us when we were worried about our Dr. Arthur von Weinberg.

Q. Did Dr. Buotefisch tell you anything about the meetings in the Circle of Friends in which he participated?

A. I remember only one instance. Buotefisch was very excited and vexed. On the previous evening Mr. Koppler had made derogatory statements about the mineral fertilizer and said it was detrimental to the health of the people and he wanted to make Farben responsible for it. Buotefisch told me that he had quite a lot of trouble in showing the absurdity of Mr. Koppler's assertions. That is the only instance which I remember.

Q. Did you know that Dr. Buotefisch held an honorary rank in the SS?

A. He told me that at no time but he added at the same time that it never came to his mind to put on the uniform. At any rate I never saw him in uniform.

Q. From your many years of acquaintance with Mr. Buotefisch you should know whether Buotefisch became active, politically?

A. We really did not talk very much about politics but I never saw or heard that Buchfisch became active, politically, in any way. I never considered him an enthusiastic Nazi. I am now thinking of one particular event, in his office, where, in my presence -- I don't remember why-- he had to telephone to the Bank of German Labor (Bank der Deutschen Arbeit). At the end he raged and shouted so loudly about the behavior of the German Labor Front that I cautioned him to speak a little more lowly because I was afraid they could hear him outside and that would have been dangerous for him.

Q. You just mentioned the Bank of German Labor. In order to explain what this is, I should say that this bank was an enterprise of the German Labor Front, is that correct?

A. The German Labor Front, of course, had to invest and exploit financially the enormous fees they took from the German workers every year. For this purpose they founded the Bank of German Labor, which in turn tried to participate in all sorts of financial undertakings, in buying up Jewish enterprises, and, in the final analysis, to be a quack in the industrialist circles. I believe that Buchfisch had this conversation as the result of such an undertaking.

THE PRESIDENT: Does that conclude, gentlemen, the examination of this defendant by the counsel for the defendants?It so appears and the Prosecution may cross examine the defendant.

CROSS EXAMINATION

BY MR. SPRECHER:

Q. Dr. Ustor, I have been asked to advise you in a friendly way to pause after my questions, because you perhaps speak a little more rapidly than the average witness.

Early last Monday afternoon, 5 April, you testified concerning your position with respect to National Socialism. First we would like to get the time sequence a little more clearly before the Tribunal in connection with your testimony on your state of mind at the time. You testified that you were very doubtful about Hitler. You stated that his manner and his appearance could give cause to certain difficulties in the field of foreign policy which would lead the Western countries to intervene. Now, in what year or years did you have your doubts about Hitler on that point?

A. Mr. Sprecher, about such things which in my opinion are an affair of the mind and not of the reason, one cannot definitely, "From the 13th of August, 1938 I had this certain feeling." It's a feeling I had. This entire development within us was carried out in certain waves. At certain instances and certain times one was completely fed up, and at other times one said, "Well, that's not so bad." In other words, it was up and down all during the years. I would say that I had strong doubts in my mind only after the march into Czechoslovakia. That was the last straw.

Q. Then I believe you testified that one of the reasons you hesitated to join the Party in the earlier years was because you saw certain dangers in Hitler's actions and his conduct, and you went on to say that then later on, Hitler seemed to have a more adept hand, a more clever hand in foreign politics than you had earlier thought. Now, on that point what were the activities of Hitler which made you think that he had a clever or adept hand or at least a more clever or adept hand in foreign politics than you had earlier thought?

A. Various witnesses have been stopped when they started to speak about something that you want to hear from me now, and that's the following. In the case of all Germans it was a large surprise when such a foreign participation in the Olympic games was observed. I was invited just as all other large industrialists, to attend a festival of Goebbels on the Pfau-Insel. The people who were invited didn't know each other and there were Englishmen and Americans from all parts of the world, and I can say that this evening impressed me very much because it was a fraternization of all people who were all very enthusiastic about the Olympic games. That, of course, created the impression in the case of a person who had certain doubts before, "Well, I must say he certainly was able to get along with the foreign countries and they don't have any objections." That's my answer.

Q. Well now, what, apart from the Olympic games, which we will assume that Hitler had something to do about so far as arrangements were concerned, what, apart from that, did you consider an adept playing of his cards in foreign policy?

A. The fact that he was able to conclude the naval agreement with England, that Kaiser Wilhelm II could not conclude, that was an adept action; that he was able to conclude a friendship agreement with Marshal Pilsudsky, that was a political success in my opinion which nobody before him was able to achieve. We fought with the Poles and all sorts of articles about the Poles appeared in German papers and nobody was able to come to terms with the Poles. Therefore, I considered him an adept politician but all that, of course, was destroyed when he hired Mr. Ribbentrop and when he drove the cart into the mud.

Q. Now, you testified you were seriously afraid of the intervention of the Western Powers, but that later you had much less fear. Now, in 1936, March, German troops marched into the Rhineland. Did that reduce your fears so far as the possibilities of intervention were concerned?

A. Well, Mr. Sprecher, this is one of these fluctuations, the crest

and the valleys of the curves of which I have spoken. When I heard that the Rhineland was to be occupied or when I heard that it had been occupied, not only I but many Germans feared that this was the moment when it would happen, but it didn't happen and then I was raised again to the heights.

Q. Now, how did you feel on the same topic after the invasion or after the occupation of Austria in March, 1938?

A. I didn't think differently from all these people who sat in this chair before me. My daughter was married in Vienna and she told me herself, and I don't think that she lied to me, how it happened. She also was one of those people who came to meet the troops at the border and then accompanied the troops until they came to Vienna.

Q. Well, my question was directed towards whether or not that influenced your feeling that the international situation had quieted down more and more because of steps taken by Hitler?

A. Excuse me, I didn't quite get that.

Q. You testified without giving any date, that the situation in the field of foreign policy quieted down more and more and that you saw that your first anxieties about Hitler were not justified. Now I am asking you if the occupation of Austria in March 1938 made you feel at the time that Hitler's policies were tending more and more to quiet international relations?

A. The invasion of Austria I experienced in — that is, I was in Berlin and knew only what we heard through the radio and the newspapers. Anything else that may have happened before that, those famous telephone conversations which Goering had, all that, of course, I learned about only during the trial here. I admit, Mr. Sprecher, that if we in Germany had known the accompanying circumstances then, we might have been a little more careful, but we didn't know them.

Q. Now, you have already talked about your feelings in connection with the occupation of Bohemia and Moravia. Between that time, which was March, 1939 and September, 1939 Hitler publicly made certain territorial

demands upon Poland, and as you pointed out Hitler had previously made a treaty with the Poles. Did those statements that Hitler made in the summer of 1939 increase or reduce the earlier anxieties you had had about Hitler's foreign policy? Can you just tell us whether it increased it or reduced it?

A. Well, if I am quite honest I must say that during that time I was a little more worried. I didn't have the anxiety that Hitler would be crazy enough to attack and also my foreign friends didn't have that notion for I talked to them.

Q. How long were you in the United States during 1938?

A. A relatively short period of time. I was in New York a few days and then in order to meet a business associate who came from San Francisco to Chicago, I went to Chicago.

Q. I didn't want the whole personal history, approximately how long?

A. Three weeks approximately. It might have been four.

Q. Were you in England and France at any time in 1938 and 1939?

A. Yes, yes, of course. In '38 when the Sudeten territory was given to Germany by the Munich Pact I was in London as I have said today, in order to talk to Dr. Jacobi and Mr. Dobias.

Q. Now, in paragraph 32 of our prosecution exhibit 313, document book 11, page 170, you list the German newspapers you regularly read. Didn't you also read foreign newspapers during your travels before the war?

A. Whenever I was in England or the United States I read the morning newspapers quite regularly, but with my relatively small knowledge of English I couldn't read them very well.

Q. Do you recall being present at a commercial committee meeting in May of 1939 when the commercial committee decided that no foreigners were to be employed at the central agencies of I.G.?

A. Well, if I am mentioned in the list among those present, then I

was certainly present.

Q. In that connection we will introduce NI-6084 as prosecution exhibit 2111 so as to bring into the record item 6 which is headed "Employment of Foreigners by the I.G." I will see that you have a copy over the recess. I have no further questions about that. Now, in 19 —

THE PRESIDENT: I think, counsel, that we will take our recess now.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. HEINRICH OSTER - Resumed

CROSS EXAMINATION - Continued

BY MR. SPRECHER:

Q. Dr. Oster, you ceased making financial contributions to the SS individually in the year 1939. Later you became a Party member. Did you receive any criticism from anyone in the SS for failing to continue your contributions after 1939, and if so, who in the SS criticized you?

A. I believe no one could criticize me because the cavalry stores I supported dissolved completely. They no longer had any horses left. I don't know where the horses went to, but, at any rate, no one reprimanded me.

Q. Now I have a few questions concerning nitrogen in the armament of Germany. Apart from temporary shortages and temporary distribution problems, there were never any difficulties between 1933 and 1939 in supplying nitrogen for Germany's munition requirements, is that not true?

A. No; at least I don't know of any. It was not really my field of work. I didn't concern myself with technical nitrogen.

Q. Is it not true that the production capacity of Germany in the nitrogen field was always far beyond the demands for nitrogen in Germany.

A. If I may explain that at great length --

Q. Please be brief.

A. -- it must be admitted that Farben's capacity after the world war was built up under wrong assumptions. The danger which threatened from other countries was underestimated by Farben. One believed that Farben had all these difficulties from a technical point of view and they thought that all the others would experience the same difficulties and that it would take quite a while before the others would be able to catch up. They overlooked, however, the fact that all the experiences which Farben gained through its own means and spending quite a lot of time were transferred to the other new producers without anybody

noticing it. Consequently, they caught up quicker than it was originally thought.

Q. You are really talking about a side point, Dr. Oster. I only wanted to know if the production capacity was far beyond Germany's own needs without necessarily discussing why. I just was interested in the fact.

Now do you recall being informed of the nature of any problems with respect to nitrogen in connection with mobilization plans or mobilization preparations?

A. No. I didn't hear one single word of that, Mr. Sprecher, not one word.

Q. Now in 1936 Krauch received an appointment in the office of the Four Year Plan. In that same year is it not true that Farben officials informed Gen. Thomas and the defendant Krauch as well as yourself that nearly half a million tons of nitrogen per annum would be available for the increased demands of the munitions industry which were to be expected in case of war?

DR. HENZE: I beg your pardon, Your Honor. My earphones didn't work, and I unfortunately was not able to understand the last two questions. I am in a somewhat difficult situation.

THE PRESIDENT: Counsel, you are entitled to hear, and we will ask the Prosecutor to repeat the last question for your benefit.

MR. SPRECHER: The question before last was: "Do you recall being informed of the nature of any problems with respect to nitrogen in connection with mobilization plans or mobilization preparations?" The witness said, "No." My present question is as follows:

BY MR. SPRECHER:

Q. In 1936 Krauch received an appointment in the office of the Four Year Plan. In that same year is it not true that Farben officials informed Gen. Thomas, the defendant Krauch as well as yourself that nearly a half million tons of nitrogen per annum would be available for the increased demands of the munitions industry which were to be expected in

the "A" Case, that is, in case of war?

A. I can't remember that, but it is quite possible. In the same way as these mob-plans were set up in other fields of economic life, they were also set up in the nitrogen field. It is quite possible that one calculated that matter and one arrived at the result that there could be no bottleneck with respect to nitrogen because there were quite a lot of capacities available. I don't remember any specific case, but it is quite possible.

Q. Well, in that connection weren't you advised in 1936 along with certain interested Government officials that even if enemy action destroyed Farben's Oppau plant and some of the more endangered nitrogen plants near the frontier, the remaining nitrogen capacity would be more than sufficient for the war requirements of Germany and her allies?

A. I think that question must be answered in the same way as your previous question.

Q. Now, your Honors, we would like to introduce in this connection NI 13564 which will become Prosecution Exhibit 2112. There is one error which I must point out in the English translation. The date that appears, 14 January 1938 should be 14 January 1936 as is indicated by the lower entry also. The date after the initial above by one "D.I.," apparently Diekmann, is correct -- namely 31 March 1938, but the date below that which shows the actual date of the letter is 14 January 1936. Now, let me ask you this. This document indicates that a certain producer of nitrogen was attempting to get support for the building of a nitrogen plant in the lower Isar area and was arguing that that was important because of that location being away from the frontiers. Did that plant ever get built, so far as you know?

A. I remember this project with respect to the lower Isar. It came up several times. There was a very ambitious building counsel in the Bavarian government who always wanted to construct this plant. The only way to dissuade him from it was to tell him that even in case of war this plant was not necessary and we told them that the capacity available in Germany would more than suffice.

Q. And that was true, wasn't it?

A. Yes, that was true. That is to say I never considered and I didn't know how much technical nitrogen would be used during a war.

Q. Now, who was Dr. Fahrenhorst who signed this letter, along with one Winkler. Who was Fahrenhorst? He was in the nitrogen direction of Farben, but what was his position there?

A. Dr. Fahrenhorst was the senior of the chemical engineers of Oppau and at the end I think he worked on foreign plant projects and nitrogen projects generally which mostly came up abroad. He was a procurist, if I recollect properly.

Q. Now, our Exhibit 127, NI 5668, shows that you and some 8 other defendants attended a nitrogen conference at Leuna on 22 December 1937. The minutes of that meeting note that there had been a temporary shortage of nitric acid in November 1937 and that the Reich Ministry of

Economics and the Army Ordnance Office intervened "to prescribe a plan of distribution. However direct control was not exercised as there is already an organization for distribution in the form of the syndicate." Now, my question. Did the military authorities ever criticize the efficiency of the nitrogen distribution by the Nitrogen Syndicate so far as military requirements for munitions of war were concerned? I am speaking of the period before the war.

A. These are minutes of a Nitrogen brand conference which Hanser, who was responsible for the technical nitrogen, and I attended, and upon which we reported. I don't know the background of this matter, but I would have learned of it if any Reich authority had criticized us for something not having been quite in order at the syndicate.

Q. Did you hear of any such criticism?

A. No, I said I didn't hear of any criticism. I don't believe there was any.

Q. Now, by the time of this nitrogen conference at Leuna, that is in December 1937, had you not entered into discussions with Farben representatives concerning mobilization plans for not only the sales departments of Farben, strictly speaking, but also mobilization requirements of the nitrogen syndicate.

A. I could not remember that, when I read the indictment, whether any mobilization plans were ever discussed and worked upon at the syndicate. I still don't remember that today. I wrote to my colleague, Koehler, and to a number of other gentlemen, and Mr. Hanser too submitted an affidavit and he didn't know anything about them either. So I have to answer that question in the negative.

Q. Now, our Prosecution Exhibit 199, NI 8776, concerns itself with a meeting that had been held apparently just prior to 7 December 1937, and this is a letter from ~~Vermittlungsstelle W~~ to von Bruening, also of Vermittlungsstelle W at Hoechst, and copies went to Sparte I and the subject is Planning of the Sales Departments to Meet Mobilization Requirements. Now, it mentions here that Dr. Fischer, speaking of the gasoline

sales, was basing his mobilization preparations on the theory that there would be complete government control during the war, whereas you, speaking for the Nitrogen Syndicate, preferred not to commit yourself in that regard so far as nitrogen was concerned. Does that refresh your recollection?

A. Yes, it does refresh my recollection very much, Mr. Sprecher. I know exactly what it was all about. It was, if I might say, an internal ambitious controversy between Vermittlungsstelle W and the economic and political department. Professor Krauch had ordered for Sparte I that the sales department of Sparte I were to be competent for Vermittlungsstelle W. The economic and political department, on the other hand, was competent for all these deferments and a conflict arose between the two. I was telephoned by Mr. — what was his name — at any rate, the head of the Vermittlungsstelle W, Mr. Diekmann, and I then found out what it was all about. I didn't want to be dragged into the matter and I said that I didn't know what was to be done. But actually I did know what I would do. I thought I would do nothing. I did nothing with respect to this field in the Nitrogen Syndicate. With respect to deferments, as I explained this morning, we had nothing at all to do because our personnel was rather old and no danger existed that some people would be taken away from us as to interfere with our work.

Q. No, I have a few questions that will revolve principally around your Exhibit Number 1, Doctor. Do you have those two tables present from your own Document Book 1, Oster Exhibit Number 1?

A. Yes.

Q. Now, who was the principal business manager, Geschaeftsfuehrer, of the Nitrogen Syndicate?

A. A principal business manager or a general director, if you like, of the Nitrogen Syndicate, never existed. On the basis of my senior age I was always considered by the other business managers as "princeps inter pares." The Ruhr industry, which was very well informed about the situation in the Nitrogen Syndicate, has taken into account this matter, which

is included in one of my affidavits, and has confirmed that there wasn't a real general director at the syndicate.

Q. Now, weren't Koehler and Wahl subordinated to you?

A. No, that was merely a friendly collaboration. We never thought that one was more than the other and I really was not higher than anyone else.

Q. Now, who was Dr. Jacobi's successor? Wasn't he also a director?

A. When Dr. Jacobi was a business manager, and we must distinguish between business managers and directors, Mr. Sprecher, these people in the upper box are business managers --- well, when Mr. Jacobi left, Hanser became the business manager. However he did the work even before that time. He was always in charge of that technical department. Jacobi mainly had to deal with the CIA matters as well as foreign matters as far as they were connected therewith.

Q. Now, you received a salary from I. G. Farben as a Vorstand member. Did you also receive a salary as a Geschaeftsfuehrer of the Nitrogen Syndicate?

A. The main part of my income came from the Nitrogen Syndicate. I think this was about seventy-five percent.

Q. Did you have to subtract that from your salary that you received from I. G. Farben?

A. Unfortunately, yes.

Q. Now, Hanser, did he also come from I. G. Farben?

A. Yes, Hanser was the director with Farben. Apart from the technical department of the syndicate he was also in charge of the Badestick -- that is an abbreviation for Badische Stickstoff. This Badestick department had to distribute the technical nitrogen within the firms of Farben and it also had to make arrangements with the so-called affiliated firms and to those belonged Dynamit Nobel. It was provided in the syndicate contract that the sellers to Dynamit Nobel were taken into the quota of Farben as far as the quantity was, but that they were not to be accounted financially in that same manner. The profits

received by Farben in that connection were dealt with outside of the syndicate accounting. Consequently, Hanser had an additional income, even though it was small, from Farben — that is in addition to the income he received from the Nitrogen Syndicate.

Q.- Now, you had charge of nitrogen for fertilizer principally, and Hanser had charge of nitrogen for industrial purposes, principally, within the syndicate according to the chart here. You also had charge of the personnel department in the administrative department. What was the job of Wehl? What did Kochler do? He was the legal advisor, wasn't he?

A.- This becomes apparent from the color, Mr. Sprecher. Kochler had to deal with domestic sales for Germany. You must remember that this involved enormous sums, as well as enormous quantities. Kochler dealt with domestic business. Wehl dealt with the export business. He was the superior but I was responsible to the partners for the entire fertilizer business. After Jacobi had left, I alone considered myself as being responsible for the international conventions and for the personnel matters because as the oldest member of the Vorstand of the Syndicate, I was appointed to the plant later from the administrative council in the sense of the law for the regulation of national labor.

Q.- Now, were most of your foreign representatives or agencies of the Nitrogen Syndicate the agencies which were also sales outlets and agencies of I.G. Farben?

A.- Yes. Approximately 60%, I would assume, of the representatives abroad of our syndicate were simultaneously representatives of Farben.

Q.- I became a little confused during your testimony with respect to the Nitrogen plants in Russia. You mentioned a certain plant. Was your plant Chorzow, spelled C-h-o-r-z-o-w, or was that a different plant?

A.- I mentioned others. I mentioned Kamenskoje, and I also mentioned Smolenska and Gorlowka.

Q.- Didn't you have something to do with the putting into operation of a plant called Chorzow?

A.- You mean the plant Chorzow. But that was in Poland, in Upper Silesia that is.

Q.- I see. Now, in connection with the discussions concerning the foundation of Chemio-Ost, didn't you mention the fact that the cost of Farben with respect to the Chorzow plant had been very great and that you wanted the Reich Ministry of Economics to consider that in making further arrangements with respect to the so-called Eastern corporations?

A.- I believe there is some sort of misunderstanding between us, Mr. Sprecher. I mentioned no meeting with Chemio-Ost. What you just said is completely incomprehensible and new to me. I don't know such a plant at all.

Q.- Now, didn't you argue with Mr. Mulert of the Ministry of Economics that the Government hadn't regulated Farben properly for its activities in connection with the Chorzow plant? C-h-o-r-z-o-w.

A.- We have to get away from that Chorzow plant because I had nothing to do with it. Then, I might mention that Chorzow was a Polish, State owned plant. This Polish state owned plant was not touched by Farben at all. The Reich controlled it, and since this was controlled by the Reich, the Ministry of Finance was in charge. This plant Chorzow, together with the plant of Trostberg which formerly belonged to the Bavarian Nitrogen Plants, was managed by Viag after Poland was occupied. We only annoyed on that account but we had nothing to do with it.

Q.- Well, in that connection then I am afraid I have to introduce NI-4966, Prosecution's Exhibit 2113. This is a letter from the legal department chemicals to a number of Farben people concerning the establishment of one of these Eastern corporations, and which is dated 17 September 1941, and in which your experiences with respect to Chorzow are mentioned in connection with Mulert of the Reichs Ministry of Economics.

A.- Is my name mentioned in that document? Do I have to read it?

Q.- Yes, Dr. Oster, will you look at the next to the last paragraph. From the end of the letter, the next to the last paragraph.

A.- Oh, yes ! Now I know what it is all about. It was like this, Mr. Sprecher. I already said this morning that there was no organized management for the polish plants. When these plants were to be put into operation, a concentrated nitric acid plant was to be established at Chorzow. As far as I remember, I had by the way nothing to do with it, a technical expert of Farbion was delegated to go there. We submitted our experience on request of the Reich and no one mentioned anything about remuneration. I merely acted as a postman and merely pressed this matter and arranged to get something for Farbion.

Q.- With respect to the German policy in Russia, you were aware during the war, that this policy was to dismantle industrial towns in the South and to ship machinery and equipment to Germany unless it was expedient to Germany to operate the plant on the spot, isn't that true?

A.- That I know -- this is a little too much to say. But I testified this morning that I was supposed -- and I have also submitted quite a bit of evidence on that account -- to have nothing to do with these Russian factories. I didn't want to touch these factories and to incorporate them into our Syndicate. We merely helped to put these factories into operation, and that is why I never even visited them.

Q.- Just in connection with the last question and answer, I would like to introduce NI-6536, to become Prosecution Exhibit 2114, which is an affidavit by you, Dr. Oster, in which you state that you had heard from the R.V.M. concerning the official policy in the East. Now

A.- Let me read the document. It isn't very long.

MR. SPRECHER: Certainly.

THE PRESIDENT: While the witness is reading the document, may I inquire what the purpose of the document is? What you are seeking to establish as a matter of fact, Mr. Sprecher?

MR. SPRECHER: Yes, Mr. President. I meant to make it clear -- I only

wanted to introduce this document to make very clear the fact that the policy, the official German policy in the occupied East was known to this Defendant in any event, because of his relations with Schlotterer who has also been involved in this case before and his answer was quite close to the point, but it didn't seem to me categorical enough and I wanted to see that that was established. That is to say, before whatever operations were conducted in the occupied East and when the plans were made, there was no lack of knowledge concerning what the official German policy was there. I think in this you also find out -- the defendant mentions the famous de Haas report which was introduced here, before and he said he didn't recall the report himself its contents were along the line of the things he had heard from Schlotterer and that was the thing we are interested in.

DR. HENZE: I beg your pardon, Your Honor. I think this document is irrelevant. The facts which were already stated in court were voiced during his examination here in a much clearer way. What Mr. Sprecher intends to show has nothing at all to do with this document. If Mr. Sprecher arrives to a conclusion on the strength of this document, then he is making a pleading and indicates that he wishes to enter an argument.

THE PRESIDENT: Well, it occurs to me that it has a very, very remote significance, but, Counsel may have in mind asking some question about it, that is not apparent from the fact of the document. We overrule the objection on the theory that after all the most harmless thing the Tribunal can do is to admit a part of irrelevant evidence. It just burdens the record that must but it has been processed and it is here. The Tribunal will overrule your motion.

BY MR. SPRECHER:

Q.- Well, Dr. Oster, was Dr. Schlotterer in charge of that branch of the Reich Ministry of Economics which had to do with the eastern corporations?

A.- When Nitrogen East was established I didn't know that. I only found out about it at the time when Mr. Schlotterer invited representatives of these companies to a large-scale meeting and then I found out that he was the man who was dealing with that.

Q.- And was it at that time that you found out that he was in favor of these measures with respect to the policy in the occupied east?

A.- I am stating here in this affidavit -- and I maintain every word of it -- that Mr. Schlotterer had developed trends of thought with which I was not entirely in agreement. The de Haas document I did not mention myself, but Mr. Newman was kind enough to show it to me and asked me if I knew of it. I said no, whereupon he turned a page and he asked me, "Is that you?" and I said it was directed to me, and I said I didn't read everything I received from Farben. But what Schlotterer said was correct and Mr. Haas confirms it.

Q.- Thank you. Now, you testified concerning the New Order Report from France, which is Prosecution Exhibit 1051, NI-11252, Document Book 51, English page 156. Did I understand you to say that you approved the visions of this New Order Report concerning the nitrogen industry of France before it was forwarded to the Reich Ministry of Economics?

A.- At the time when the New Order was worked upon I frequently went to Norway to assist Hydro. I never actually saw the report in the finished form in which it was submitted here. However, I do recognize individual statements concerning nitrogen as being work done by Director Wahl of the Nitrogen Syndicate, which he also submitted to Farben. I was subsequently informed of these statements. In other words, I knew of the nitrogen part

before it was submitted to Farben. I didn't know the other part.

Q.- Now, why did Farben submit a report concerning the administration which the nitrogen syndicate would have in the event Germany won the war, rather than the nitrogen syndicate itself submitting that report?

A.- Because we were not asked to do so.

Q.- Now, this report on the New Order indicates that the nitrogen syndicate was to have the principal responsibility for looking over the nitrogen industry of Europe in the event Germany won the war, and it is stated therein that there would come to be a central office in Berlin which would have to be run by the nitrogen syndicate.

Did you approve of that particular provision?

A.- Well, I didn't approve anything else but which was already in existence at the time. If you will look at the chart, you will find the CIA a convention office. This is the CIA office in Berlin which was already in existence.

Q.- Now, during the war, did you administer the distribution within Germany of nitrogen which was secured from France?

A.- This was all technical nitrogen and went into the technical Sparte. That was Sulphur ammonia, if I remember correctly, which was processed into ammonia. I remember there were difficulties in obtaining the necessary amounts of caustic soda. And later on nitric acid was produced. I don't know any details about that because my colleague Mr. Hanswer worked on these matters. When I heard about it I saw to it that the Belgians received an adequate price for it. I know that in that connection I talked to Ministerialrat Hoffmann and made a proposal which was extremely fair. I calculated that the Belgians, if they sold the ammonium sulphate in Belgium, would make so and so much profit per kilo, and that was the minimum which we would have to give to Belgium. And as far as I remember, the Belgians

actually received that price because the Reich Ministry of Economics approved my view. That is all I had to do with it.

MR. SPRECHER: Is it true, Your Honors, that you were planning on stopping at four-thirty?

THE PRESIDENT: No, I think not, unless there is some reason for it.

MR. SPRECHER: No, I was misadvised then and I will be finished this afternoon in any event.

THE PRESIDENT: Very well.

BY MR. SPRECHER:

Q.- NI-676, Dr. Oster, will be shown to you, and that will become Prosecution Exhibit 2115. This is a letter which you wrote to the defendant von Schnitzler on the 6th of July, 1942, in which you asked to be excused from a Commercial Committee meeting because you had to have something to do with 60,000 tons of nitrogen "which is being brought to Germany from the western territories."

Now, I would like to ask you if that 60,000 tons of nitrogen was brought from Belgium or from France or from Both.

A.- From nowhere, Mr. Sprecher, The whole thing was merely wishful dreaming. I think that during the entire war only 13,000 tons of nitrogen were brought in from the western occupied territories into Germany. I don't remember any exact figures, but I am sure that there wasn't more than that.

Q.- Who had the dream about the 60,000 tons, Dr. Oster?

A.- Well, that could only have been the Central Planning Board or the Armament Ministry because the Ministry of Economics certainly would not have had that silly an idea.

Q.- Now, did you personally approve the transaction involving the increase in the capital stock of Norsk Hydro?

A.- Yes, I did exactly what my old friend Aubert told me, and I was not there as a representative of Farben, and I wanted to assist them. There-

fore, I did everything blindly what Aubert told me to do.

Q.- Did you personally approve of Norsk Hydro's participation in Nordisk Lettmetall?

A.- Mr. Sprecher, I knew the exact history of its origin and this has been frequently discussed here. I knew very well that Norsk Hydro was very much under pressure by Mr. Koppenberg who wanted to force him into it. I know how Aubert was relieved and how calm he was when it only turned out to be such a small factory. Aubert was quite in favor of it. He said that, "Finally we are able to receive a second leg in addition to nitrogen." Dr. Ilgner mentioned that before. It was a phrase of the old Mr. Aubert, not of Eriksen.

Q.- Now, you mentioned that the credit reports of Norsk Hydro were sent to the Styro members in Germany. Were they also sent to the French Styro members?

A.- Up to the war, certainly. After the war my colleague Ilgner, I believe, either took such reports there himself or saw to it that such reports were sent to Hydro. Afterwards it was somewhat precarious for us to transmit such matters because that would have meant the circumvention of censorship. It would have been the same thing if I would now give a letter to my counsel to mail.

Q.- Now, by way of the brief, we will take care of many associations which you had, Dr. Oster, with respect to various activities which we have alleged as spoliation. I have only one question.

Did you ever personally disapprove of any of the activities of Farben during the war with respect to the acquisition or control of economic enterprises in the occupied countries?

A.- After what had been presented during the meetings I didn't have the slightest reason to object to it. I understood too little of it to interfere. It has already been explained here that there was a situation

of mutual confidence. We were assured that the partner would only do the right thing and we didn't have to discuss it; in the same way as I would not interfere with Mr. von Schnitzler, Mr. Mann or Mr. Buergin with respect to his affairs, I would have objected if he had tried to interfere with mine. We didn't learn of everything; we learned only about the main things.

MR. SPRECHER: I have no further questions.

REDIRECT EXAMINATION

BY DR. HENZE:

Q.- Dr. Oster, I have only a few questions. I shall now turn to the letter which you sent to Mr. Schnitzler which was just the subject of cross examination. Have you got the letter before you?

A.- Yes.

Q.- Can you tell me who dictated the letter? Did you dictate it yourself?

A.- I recall cannot remember.

Q.- Doesn't it become apparent from the letter who dictated it ?

A.- I think I dictated it.

Q.- May I ask you —

A.- But you must see it from the original. I only have a copy and it is hard for me to tell. Perhaps I would be permitted to look at the original?

A. Yes, I probably did write that letter. It is my memo paper.

Q. May I ask you the following question with reference to this business which was negotiated? Was this done on the Syndicate's own initiative?

A. No, if that was so, we were only used as auxiliaries. If in order to then execute the request by the governmental agencies' questions it was considered that this or that had to be done we were asked to attend, and we just had to execute the order.

Q. In other words, you want to say that was to be upon order?

A. Well, actually nothing was done. I must say quite frankly, I do not know who had that silly idea. At any rate it did not originate with us. It would have been absolutely crazy to take 60,000 tons from the occupied territories. It was always my worry to see to it that production there continue promptly, that they had as much nitrogen as possible for their production, otherwise we would have to cope with the demands of the Belgians and Dutchman.

Q. One more question. A document was just put to you, which bears the heading on the left hand top corner. "I.G. Farbenindustrie, Nitrogen Directorate". It is Exhibit 2112. I only want to ask you this. Were you a member of the nitrogen management?

A. No, I was not.

Q. What department was that?

A. If I may say, that was the managing department of Dr. Krauch as long as he was the head of the Sparte. Schneider then became the Sparte head, but he was at Leuna. Unfortunately, I have not got the date of the document.

Q. The date is January 14, 1939.

A. Well, as far as I remember, Krauch was no longer at Oppau. That was the nitrogen management which continued to work there up until the end of the war, and which dealt with matters pertaining to nitrogen.

Q. In other words, it was a production department?

A. Yes, it only served production.

Q. During the cross-examination minutes were submitted of the 22nd meeting of the Commercial Committee and paragraph 6 was pointed out which bears the heading, "Employment of Foreigners by Farben."

It says: "Agreement Principle: No foreigners shall be employed at the Central Agencies, As far as such foreigners are concerned who are to be trained in the use of our products, each case will be decided on its merits as to whether employment is possible."

Did you actually execute this decision at the Nitrogen Syndicate?

A. I do not think it was a decision. It only reads here that there is an agreement. Moreover, I recall that starting from a certain period the employment of foreigners was regulated by the authorities. I remember that I too had a foreigner in my office, harmless individual who was working on statistics. Consequently I was annoyed by the Plant foreman because he didn't like to see him there, but at any rate, I did retain that man in the Department for Statistics. I only mention that to show that there must have been some regulation which aimed at discontinuing the employment of foreigners at the important positions of the plant. I do not know whether there is any connection with that there, but I do not remember this particular meeting of the Commercial Committee anyway.

Q. You said before that Horsk Hydro had a liaison man in your house at the Nitrogen Syndicate?

A. Yes.

Q. Did he stay there up to the beginning of the war?

A. Yes. He was surprised by the war at the Syndicate, -- The Syndicate which was supposed to have known about the aggressive war. That is something that I forgot to mention when you asked me whether we knew about any aggressive war at the Syndicate.

Q. Mr. Oster, when Horsk Hydro was discussed, and when you were asked whether the French Styro members were informed, you stated that in

your opinion that was not always the case. Did you participate in that matter?

A. No.

Q. Did the nitrogen syndicate?

A. No.

Q. Who then transmitted this?

A. I do not know what person, but I only know that on the occasion of a Styro meeting which Ilgner attended, he was asked that some papers be taken along by him. I think that I can remember that that happened rather for a second time, but this is not my own knowledge. It is purely hearsay.

Q. If it was put to you that it happened more frequently what would you say?

A. Then I could state nothing here under oath.

DR. HENZE: Thank you, I have no further questions.

THE PRESIDENT: Now, gentlemen, we take it that this concludes the examination of this defendant, and the time being the closing of his case. Unless there is objection, it will be so ordered, and you are excused from the witness stand now, Dr. Oster.

We understand that Dr. Pribilla will have a witness next. We hardly think it worth while to start on that this afternoon, Dr. Pribilla will you be prepared to interrogate your witness the first thing in the morning.

I do have an announcement to make. I wish you would all take note of. That is tomorrow's session and the session on Friday will be in Courtroom 2 which is immediately below this room on the second floor. This room will be otherwise used tomorrow and Friday.

Are there any other announcements that anyone wishes to make at this time? If not, the Tribunal will stand recessed until 9 o'clock tomorrow morning.

(Tribunal in recess until 0900 Hours 8 April 1948.)

Official Transcript of the Military Tribunal VI,
Case VI, in the matter of the United States of America
against Karl Krauch, et al, defendants, sitting at
Nurnberg, Germany, on 8 April, 1948, Judge Curtis
G. Shake, presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal VI is now in session. God save the United States of
America and this Honorable Tribunal. There will be order in the Court.

THE PRESIDENT: Make your report, Mr. Marshal.

THE MARSHAL: May It please your Honors, all defendants are pre-
sent save the defendants Haefliger, Lautenschlaeger, Buetevisch and
Schmitz, absent due to illness -- defendants Krauch, Ter Meer, and
Duerrfeld, absent excused.

THE PRESIDENT: Are there any announcements? If not you may
proceed, Dr. Pribilla.

DR. PRIBILLA: Your Honors, may it please the Tribunal, at the
beginning of the submission of evidence on behalf of Professor
Lautenschlaeger himself, I should like to draw your attention to a number
of points. All questions which are in connection with the production
of the Hoechst Plant, with the treatment of foreign workers, and with
similar matters, have already been treated by me in connection with my
submission of evidence on behalf of the defendant Joehne. There only re-
mains for the further presentation of evidence the case as it refers to
the medical field. Today I should like to treat that complex which is in
connection with the Hoechst Plant with respect to the medical field will
be dealt with subsequently by the commissioner upon the decision of the
Tribunal. I should now like to ask to have the witness Demnitz called
to the witness stand.

THE PRESIDENT: The Marshal will bring in the witness.

DR. PRIBILLA: In the meantime I must state that we shall need
books 84, 85, and 86 of the prosecution document books.

(Friedrich Albert Demnitz, witness for the defense, took the
stand and was sworn)

Comm. on hearing
8 Apr. M. filed after
hearing 8 Apr. A.
according to suggestion

THE PRESIDENT: Witness, you will please remain standing, raise your right hand, and say "I", and state your name for the record.

THE WITNESS: I, Friedrich Albert Demnitz --

THE PRESIDENT: And now please repeat after me the oath -- swear by God the Almighty and Omniscient that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath).

You may be seated.

DIRECT EXAMINATION

BY DR. PRIBILLA:

Q. Dr. Demnitz, for the record will you please state your full first and last name,

A. Friedrich Albert Demnitz.

Q. When and where were you born.

A. I was born in Dresden on 9 October 1892.

Q. Witness, would you please make a pause after my question, in order that my question may be translated into English. Dr. Demnitz, would you please briefly describe to the Tribunal your professional career.

A. At Easter 1912 I made my matriculation in Dresden. Subsequently I went to the Veterinary school in Dresden in order to study veterinary medicine. In 1919 I concluded my studies upon taking my veterinary state examination. Subsequently thereto I received my degree at Leipzig and I became Dr. Med. Vet. Then I continued to study at the Hygienic Veterinary Institute of the University at Dresden. For some time I worked with Obermedizinalrat Klimmer and subsequently thereto I contacted the vitamin researcher Scheuner with whom I moved to Berlin. At the end of 1920 I joined the veterinary department of the Behring Works at Marburg.

Q. What was your career with the Behring Works?

A. In 1923 I took over the management of the veterinary department there, and in 1926 I left the Behring Works in order to go to the

Instituto Biológico in Santiago, Chile. I only signed a contract for one year and in 1927 I returned to Germany. The management of the Behring Works asked me to enter their services once more. In 1928 I took over the production department of the plant and in 1929 I took over the plant management.

Q. Ever since then have you been the head of the Behring Works at Marburg uninterruptedly?

A. Yes, up to the present day.

Q. Would you please describe to the Tribunal what the special task of the Behring Works is.

A. The task of the Behring Works is the production of sera and vaccines to combat infectious diseases -- in particular to combat epidemics, which spread among humans and among domestic animals. The Behring Works were founded by Emil von Behring who, in 1890, invented the diphtheria therapeutic serum and as a reward received the Nobel Prize as the first physician of the world. In 1940 this medical achievement was remembered and Emil Behring was celebrated as the saviour of children. I have endeavored to continue the work of Behring, and I might well say that a further amount of therapeutic sera and protective vaccines have been created. As I am informed, the Honorable Tribunal has seen excerpts from our factory in a film. The Tribunal perhaps has gained a certain insight into the location and type of these plants. Our products are natural products in the real sense of the word. We gain our products from large and small animals in order that we can help therewith suffering and endangered human beings and animals. The plant itself is located in a quiet valley surrounded by woods and is closely connected with nature. It doesn't look like a factory. One would be more correct in comparing it to a sanatorium with a large estate affiliated to it. You may well understand if I tell you that up to 2,200 horses and in addition up to 250 cows, 250 sheep, are kept by us. Rabbits, guinea pigs, white mice, and all other laboratory animals. I don't think I need to list them all.

Q. Dr. Demnitz, did the American occupational authorities, after the end of the war, suspended you from your service?

A. No, never.

Q. As a result of your activity as plant manager of the Behring Works, did you ever have difficulties with the American authorities?

A. No, never. On the contrary, we had, and still have, scientific and almost friendly connections with the officers who are responsible for our area. That is the production control agency. These expert officers knew very well what the Behring Works have done for the maintenance of public health in this critical period and they know very well what they are achieving at the moment. Since I must answer your question very conscientiously, I must say that one single time I was treated differently by American authorities. The night from 7 to 8 January 1947 I had to spend in the prison of Marburg. The local military government felt rather awkward to have to inform me of that necessity. On the next day the control officer responsible for the Behring Works, Colonel Hebnor, intervened and he succeeded, through a telephone call to Nurnberg to get me released. I later heard that my arrest was in honor and in preparation for a visit by Mr. Von Halle who was due to come that day.

Q. Dr. Demnitz, when were the Behring Works taken over by Farben?

A. At the end of 1929. The official day of the transfer was 1 January 1930.

Q. Starting from this transfer what was the legal relationship between Behring Works A.G. and Farben?

A. Farben has all the shares of Behring Works A.G. Except for one packet of shares. The Behring Werke A.G. remained in existence as a juridical person, but it did not continue to work but leased its plants to Farben. Farben then continued to produce themselves.

Q. What effect did this new legal situation have on Behring Works?

A. The name Behring Werke remained in existence and therefore a certain independence was retained. The sale of our production, however, was handled by Bayer Leverkusen from that time on, and the sale applied to the entire world. From an organizational point of view, we were incorporated into a works combine of Farben. That was customary with Farben. As far as I remember, we were to be incorporated into the works combine Lower Rhine, but for geographical and other reasons we were incorporated into the works combine of Hanigau. From that moment on Marburg was only a production place and research agency and was equipped with the necessary machinery for these functions. In the course of the years this production place was considerably expanded. Before that time Hoechst already had a very important sera bacteriological department. After Marburg went over to Farben, however, the Hoechst Department was decreased and Marburg gradually took over the entire serum production. The old Behring research place, the Institute for Experimental Therapy, Emil von Behring, remained in existence within the framework of the Behring Works under the management of Professor Doctor Hans Schmidt of Marburg.

Q. Dr. Demnitz, within the framework of this trial we are only interested in the production and scientific achievement of the Behring Werke. What were the effects on the Behring Werke with respect to

these two fields when Professor Lautenschlaeger took over the Maingau plants?

A. With respect to the production field I retained full responsibility. Professor Lautenschlaeger predominantly is a chemical engineer and is an expert on the pharmaceuticals and not a specialist in our field. But he was generally interested in scientific questions which touched upon his field of work and knowledge. Since the Marburg plant was subordinated in an organizational point of view, to him as the manager of the Plants combine Maingau, he was also interested, for instance, in the social welfare matters, in the construction of the plants, in the equipment of the laboratories, and in the development of the Behring Works as such. In other words, he was interested in basic questions.

Q. Between you and Professor Lautenschlaeger were there any firm rules as to the limitation of jurisdiction and competency?

A. There was no written agreement as to the limitation of the jurisdiction between ourselves at Marburg and Professor Lautenschlaeger as the head of the Maingau Plants. The relationship developed in an organic manner. Professor Lautenschlaeger permitted the gentlemen of Maingau a great deal of liberty. He therewith continued the policy which his predecessor, Dr. Hermann, of Hoechst, had commenced. I might state in that connection that such an attitude was in accordance with the customary tradition of Farben. Nobody gave any orders. One tried to cooperate for the mutual interest and the individual works managers had much latitude for their development.

Q. Was there another reason for the extensive independence which you just described?

A. Yes, there was a legal reason. There were special regulations applying to us with respect to vaccines and sera which had been laid down by the Ministry for Public Welfare in 1929, for not everyone could produce vaccines and sera. Under Paragraph 8 of those regulations, it is stated that one person responsible for the production must be named to the government, this person has to be confirmed by the responsible ministry; apart from that, a deputy had to be appointed for that responsible person.

Q. Who was this person so confirmed by the Ministry for the Marburg plants?

A. I was.

Q. Who was appointed as the deputy?

A. Professor Dr. Hans Schmitz.

Q. Your Honor, those legal provisions will be submitted by me as a document. You will find them in Book III, which unfortunately is not yet available to the Tribunal in its translation. For that reason, I should only like to submit this document for identification. This is Document 36 in Book III, which will receive Exhibit No. 1 for identification. These are the legal provisions with respect to vaccines and sera.

Q. Dr. Demnitz, according to another law, the Law for the Regulation of National Labor, every plant generally had to have a special responsible leader, a so-called plant leader. Were you the plant leader for the Marburg plant?

A. Yes, I was.

Q. Did Professor Lautenschlaeger exercise any influence in the sale of the production of the Behring Works?

A. No. Bayer-Leverkusen was responsible for the sale. That was the department Behringwerke there. From there, the orders came for deliveries. Bayer did advertising and informed us to the effect that correct measures

for the production capacity could be taken by me. The Behringwerke of Bayer transmitted the requirements and requests as they came and transmitted them in turn to the individual plants.

Q. Dr. Demnitz, I should like to repeat one question from before because my colleague pointed out to me that it wasn't correctly translated. The person approved with respect to the law for vaccines by the government was you, was it not?

A. Yes.

Q. Dr. Demnitz, what was the collaboration between you, as the production head of Marburg on the one hand, and Mr. Lautenschlaeger, as the head of the Maingau plants on the other?

A. Our collaboration meant that Professor Lautenschlaeger visited the Marburg plant at irregular intervals of time. I assumed previously that his visits took place once every three or four weeks. In the meantime, however, I managed to look into the matter, and I am therefore in a position to give you more detailed information on the subject. Accordingly, Professor Lautenschlaeger originally visited me at four to six week intervals; but during the war these intervals increased in length. I can remember that Professor Lautenschlaeger did not visit Marburg for three months at a time. I, personally, did not go to Hoechst to attend conferences, but always remained at my plant. Professor Lautenschlaeger's visit generally lasted about two hours. From this short period, you may assume that he only had time to discuss certain basic questions. Part of these were the new acquisition of apparatus and equipment, questions concerning construction. On such occasions Professor Lautenschlaeger reported about general questions as they pertained to Farben and also informed us of the decisions by the directors. A great deal of time was consumed by the scientific discussions between Professor Lautenschlaeger and Professor Schmidt because both gentlemen were much interested in the clarification of Albumen chemical questions which were to serve the further development of our plant. Relatively, much time was consumed by us in dealing with questions pertaining

to social matters of the personnel. From 1933 on, I had constant clashes with the German labor front and Party. These conflicts came to a head and the Party repeatedly asked Dr. Lautenschlaeger to dismiss me.

Q. Dr. Demnitz, in that connection let me interpolate one question. What was Dr. Lautenschlaeger's attitude when you had conflicts with the Party? Was he on your side?

A. During these nerve-racking struggles to which I was subjected, Dr. Lautenschlaeger decisively supported me, and the dismissal demanded by the Party was prevented by him. In the Third Reich, I was considered to be politically unreliable, and I was registered in the card index of the SD — the Security Service — with a remark to that effect.

Q. Dr. Demnitz, we were speaking before about the collaboration. Did Professor Lautenschlaeger also concern himself with details pertaining to the Marburg production?

A. No. It is my view that it could not be the task of a member of the Vorstand of Farben. Let me express it this way. Our conversations, figuratively speaking, were always conducted on the level of the director's office and not on the level of the current plant problems. I may add that I would have been surprised if Professor Lautenschlaeger had brought a different atmosphere into our collaboration. Even more than that, I would have felt it as being a distrust on his part had he done so. Let me add, that these visits and conferences with Professor Lautenschlaeger only took place in our own conference room and we never went into the plant.

Q. Previously, Professor Lautenschlaeger was the Vorstand member who was responsible for the technical results of the work at your plant. In what form were the results of your work brought to his notice?

A. For that purpose we had the institution of the Sera-Bacteriological Works conferences. These conferences were meetings of the representatives of the Sera-Bacteriological Department of Hoechst and also the Sera-Bacteriological Department of Leverkusen. We, of Marburg, and

Professor Lautenschlaeger, as head of the Works Combine at Maingau, were also represented.

Q. How often did these conferences take place?

A. Once a year.

Q. And who was the chairman of these conferences?

A. Professor Lautenschlaeger was the chairman.

Q. Would briefly tell us what the purpose of this Sera-Bacteriological Works conference was and what was discussed there?

A. This was a meeting of those Farben agencies interested in the Sera-Bacteriological business. In part, one reported on positive achievements of the past and one reported on results, and in part one planned for the future and made plans.

Q. Was research material reported on?

A. Yes, in outline.

Q. How am I to understand when you say you only in broad outlines discussed these research substances?

A. In every field, only the most essential and most important part of the development of the past year was emphasized. The newly developed preparation of the Behring Werke naturally had a broader scope than vaccines, where we only produced these things according to the regulations of outside inventors. Moreover, at this occasion, I might state that the work in the vaccine field often extended over many years and one was never in a position to say that they ever reached a final conclusion. Essential and important points were reported on, but never details.

Q. Your Honor, with respect to the organizational question, I should like to submit a document which you will find in Book II, English Page 26. This is Document 32, which will receive Exhibit 2. This is an affidavit of Gerhard Zahn. This Gerhard Zahn was the head of the Sales Department of the Behring Werke within the Bayer Department of Leverkusen. Before that time, he was active at the Behring Werke himself. I may quote one sentence from his affidavit. He says the following under Paragraph 2:

"The Behring Werke had retained a certain independence toward Farben because their field of work was a special field, being in the Sero-Bacteriological field. Dr. Demnitz, as the responsible production head in Warburg was subordinated to Professor Lautenschlaeger, and I, as head of the Sales Department, was subordinated to General Consul Mann. Both these gentlemen however, did not interfere with the details of production in business. That meant that Dr. Demnitz and I can be considered the actual responsible people for the Behring Works, each in his own field of work."

Dr. Demnitz, you know that the prosecution thinks that it may charge you and Professor Lautenschlaeger with the fact that the Behring Werke delivered certain preparations to agencies of the SS, in particular to concentration camps. We would like to discuss these charges here in detail. In that connection, I should like to put to you first from Book 84 of the Prosecution, English Page 31 to 40, Exhibits 489, which is the report of Ministerialrat Bieber; 1606, the report of Director Zahn; and 1607, a report by you. Mention is made of a meeting in the Reich Ministry of Interior concerning typhus questions. How did this meeting come about and how did you learn of it?

A. The Reich Ministry of Interior, as far as I remember, invited me to this meeting by way of telegram.

Q. What did you learn about the purpose of that meeting?

A. Germany was threatened by typhus; therefore, typhus vaccines had to be produced on a large scale. The Ministry of Interior hoped that the Behring Werke, in spite of all the difficulties prevailing at the time, would be able to solve that huge task.

Q. Was the Behring Werke active in the typhus field?

A. Yes, since 1936 when the first work was done on laboratory experimental animals. In 1937, we tried to breed the bacteria by way of the chicken egg. In 1938 we received the publications of the American, Cox, on the breeding through the chicken egg. In 1939, we started to work according to the Cox method. I would not like to go into details here but I might only mention that production of the vaccine meant very burdensome and difficult laboratory work for us. That is how it came about that only in 1941, the first acceptable vaccines were at our disposal.

Q. Dr. Denmitz, in the trial brief of the prosecution, Part III, No. 109, the prosecution summarizes your report on the meeting. They state that you had to advertise the chicken egg vaccine of the Behring Werke because the military authorities criticized the vaccine of the Behring Werke. What can you say about that?

A. Against European typhus up to 1941, there was only one really tested vaccine; that was the louse vaccine according to Waigle, which had already proved itself in Poland, Abyssinia and Egypt in practice. This vaccine, unfortunately, could not be produced to a limited extent. An expert in the field of preparation, for instance, of typhus lice can, at the most, prepare a thousand lice per day; that is to say, he can only produce vaccine for ten persons. Typhus, however, is an epidemic which can befall a large number of human beings. One was compelled, therefore, to search for a method by which one could extract a larger

amount of vaccine.

This possibility was given according to the method of Cox. Whether the chicken egg vaccine according to Cox would achieve the same result as the Waigl vaccine, that was unknown. The Behring Werke, to a modest extent, started in 1941 the production of the Cox vaccine. The production was still in its infancy, and for that reason some more experience had to be gathered. The bacteria causing European typhus, *Ricecia Provaccci*, were very difficult to transfer to chicken eggs, and only was done with much of trouble. Under such conditions naturally, one was not in a position to advertise one's achievements on the contrary, Bayer Leverkusen in 1942, in a circular, informed all pharmaceutical offices that the Marburg plant was producing a typhus vaccine, about the protective value of which nothing final could yet be said. If, therefore, anyone wanted vaccine from us, one should always direct him to the Wehrmacht or to the Robert Koch Institute. Only if in one or another case, the procurement of typhus vaccine from these agencies was impossible and if the physician demanding the vaccine from those agencies was impossible and if the physician demanding the vaccine intended to experiment with our product, we would be prepared, in exceptional cases, to place at his disposal certain quantities without charging for them.

In a letter dated the 9th of January 1942, directed to Leverkusen, I expressed my opinion about this circular. I pointed out that with the use of the word "experiments" one must be very careful; for so-called "experiments" we would not deliver any vaccine at all. That is to say, for cases where the application is not absolutely necessary, we would only give our vaccine for such cases where the physicians concerned, nurses concerned, et cetera, had to return into an area infested with lice, where day after day, they were in danger of picking up typhus lice and then transferring typhus. That is proof for the fact how very economical I had to be with the use of that vaccine and it was exactly the opposite from the advertisement.

DR. FRIBILL: Your Honors, the circular of which the witness is speaking and the letter dating back to that time are submitted by me as a document contained in Book II. You will find them in Book II on page 8 and page 10. This is Lautenschlaeger Document No. 25 which will bear Exhibit No. 3. This is the circular. The next document will be Document No. 26 and it will receive exhibit number 4. This is a letter of the witness Demnitz of that time which describes the position in detail.

Q. Dr. Demnitz, what you have said shows that, apart from the meeting of the 29th of December 1941, you made no advertisement for the chicken vaccine. The prosecution maintain, however, that at the meeting itself you advertised your vaccine toward the Wehrmacht. Is that correct?

A. To advertise anything to the Wehrmacht would have been senseless, because we ourselves were convinced that the lice vaccine was the best typhus vaccine available. This vaccine was considered to be the standard vaccine. Proof that chicken vaccine would achieve the same thing as the lice vaccine had yet to be brought. Professor Gildemeister realized that fact very correctly. During the meeting of the 29th of December 1941 he stated that the question of the evaluation of various vaccines had to be solved by way of comparative investigation. When Zahn and I heard of

that project we asked to have our chicken egg vaccine included from our experimental stages at the time into the comparative investigation. That certainly was no advertisement but that was our scientific duty. It was our view that our vaccines, when subjected to a comparative examination, would not show bad results, because we had a great deal of confidence in Cox's scientific achievements and his method.

Our proposal to include the egg vaccine into our investigation meant really a defense of the Cox method. On the main, however, we wanted to produce more vaccine and place it at the disposal of humanity in order to protect them against typhus.

I already told you before that a man can only produce vaccine enough for ten persons from lice per day. From a chicken egg, vaccine for a hundred persons can be produced and, since a man quite easily can process a hundred eggs per day, this very man can produce vaccine enough for fifteen thousand persons per day; that is to say, a ratio of ten to fifteen thousand.

I hope I have made clear on the basis of this example, what the issue was. Only the egg vaccine enabled us to carry out a mass protection against typhus.

Q. Dr. Dernitz, the prosecution stated in that part of the trial brief that one could interpret from your remark that a comparative investigation of vaccines was not at all justified because it had been expressed during the meeting that the Reich proper, to a large extent, was free of typhus. What can you say about that?

A. The Reich proper at that time was not free of typhus. If one reads carefully my file note of the 29th of December 1941 one will see that the remark which you just mentioned was only repeating the erroneous opinion of Ministerialrat Dieber, but in contradiction with this opinion was the Oberstabsarzt Dr. Scholz and Professor Gildemeister at the meeting. Principally, however, this was opposed by our own knowledge.

Since October 1941 at the Behringwerke there was a continuous demand for typhus vaccine and there were the most varied interested parties.

For instance, there were the State Public Health Officers. There were a number of other agencies and that referred to cases where typhus had afflicted the civilian population and at that time there was an acute danger for the German home territory. You will see that very clearly from the last sentence of my file memorandum at the time.

I hope that I have clarified this point, but I should like to make yet another remark. The Behringwerke when producing vaccines had never thought that they were only working for German demands but in their work they made no distinction as to what group of persons were to be protected.

Q. In the same passage of the trial brief the prosecution particularly stresses -- and I quote -- that: "a plan for the experiments had been arranged with Dr. Mrugowsky"; this statement is designated as a significant detail in connection with Dr. Demnitz. Would you please state your position on that?

A. At first I should like to state that this is a misleading abbreviation of my report. In my file note it is stated that Professor Gildemeister pointed out that an experimental plan had been discussed with Dr. Mrugowsky. This already-arranged plan was to compare the Waigl Vaccine and the Robert Koch Vaccine. The Robert Koch Institute, under the charge of Gildemeister, was producing a different type of egg vaccine.

DR. FRIBILL: Your Honors, in this connection I must, unfortunately, submit another document which is not yet available in its translation. I can only offer it for identification but it does belong into this connection. It comes from my Book IV and it is document, Lautenschlaeger No. 54 which, for identification, will receive exhibit Number 5. This is a detailed affidavit of Dr. Mrugowsky and under Paragraph 5 he deals in great detail with the background of the experimental plan between Gildemeister and Mrugowsky.

Q In the same passage of the trial, brief paragraph 109, I note that it is stated with respect to your file note, that it was a plan for experiments. Is that a correct statement?

A No, I did not write that. During the meeting of the 29th of December 1941 not one person discussed experiments. I wrote in my file note that between Krugowsky and Gildemeister an experimental plan had been arranged and a few lines underneath it you will find that the vaccine of the Behringwerke should not be included in the category of experiments during the medical tests.

Q The Prosecution particularly stresses that it was strange that the vaccines were to be prepared for necessary medical tests in the form they were and, in addition to that, in double strength. Well how about that?

A I can easily explain that to you. I already told you that we were working according to the Cox method. That meant that a vaccine was produced which was very much diluted in order to produce as large amounts as possible. The Robert Koch Institute, on the other hand, had developed its own method. This vaccine was concentrated eighteen times stronger than our own vaccine, the Cox Vaccine.

You will see from my file of the time note that during the meeting Gildemeister doubted the efficacy of our vaccine because it was too much diluted. That is why we delivered that vaccine in a double concentration but that was not extraordinary because you will see from what I have just said that there was much leeway. The Robert Koch Institute, which is an institute of world reputation, would concentrate its vaccine eighteen times stronger than we did, and even remained nine times stronger than our so-called strengthened vaccine, (twice normal strength).

Q During the meeting of the Reich Ministry of Interior did you have a suspicion that these comparative examinations of the vaccine were to be carried on in an illegal manner?

A I would like to state here most solemnly under my oath, "No".

Q What did you imagine about the manner of execution of the planned comparative examination?

A During that meeting, medical experts were gathered. They knew typhus from their own experience. There was typhus in the East to a large extent and there was also typhus at various places of the Reich. If a man like Gildemeister, the president of the Robert Koch Institute, intended to carry on medical tests, then not one of us could have had the idea to ask him how he would do that. It was a matter of course for all of us that he would work according to the normal method of a man, a physician, conscious of his responsibility. He would have done it in the following way. Perhaps, the personnel endangered by typhus of the delousing institutions or army units which were endangered at the East would be used for such tests. For that purpose he would have tested, the Gildemeister Vaccine in Delousing Station No. 1. In Delousing Station No. 2 he would have tested the Waigl Vaccine, in Delousing Station No. 3 the Normal Behringwerke vaccine and in Delousing Station No. 4 one would have tested the double strength of the Behringwerke Vaccine.

In addition, one would have taken the first third, fifth, or seventh man of the service personnel of such delousing stations, and would have vaccinated him with lice vaccine and the second, fourth, sixth, and eight with egg vaccine and in this manner one would in a very short time have gained an insight into the efficacy of these various vaccines because these spontaneous typhus cases in these institutions occurred constantly. These were the possible methods.

Q In your report on the meeting it is stated that a contact between you and Mrugowsky was to take place with respect to the use of Behringwerke vaccine. Did you establish that contact?

A No, this contact was never established. At that time I learned that Dr. Mrugowsky had gone to Kiev and was he expected back only on the 6th of January. On the 2nd of January already there was a telephone order by the Hygienic Institute of the Waffen-SS of Berlin for 630 doses of typhus vaccine.

All of this was concentrated vaccine. This order was placed by a certain Dr. Doetzel, he said that 600 doses were needed by a Dr. Wegener of the East Ministry. When telephoning, he referred to the meeting of the 29th of December 1941, and I took from that, that the hygienic institute had included our vaccine into the planned test. I, therefore had no reason at all to contact Mrugowsky on that account. On the 6th of January 1942 we received a letter of Dr. Doetzel in which he directed us to send these dosages of typhus vaccine to the Hygienic Institute of the Waffen SS in Berlin.

DR. FRIBILLA: Your Honors, would this be a suitable time to take a recess?

THE PRESIDENT: Very well; we will rise.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. VON METZLER (Counsel for defendant Gajewski): Mr. President, may I ask the Tribunal to excuse the defendant Gajewski from attending the afternoon session?

THE PRESIDENT: That request is granted.

DR. VON METZLER: Much obliged, Mr. President.

DR. GATHER (Counsel for defendant Kugler): May I make the same request for this afternoon for the defendant Kugler and for tomorrow afternoon also for the defendant Kugler to prepare for his case?

THE PRESIDENT: That request is likewise granted.

DR. GATHER: Thank you.

DIRECT EXAMINATION (Continued)

BY DR. PRIBILLA (Counsel for defendant Lautenschlaeger):

Q. Dr. Demnitz, in the trial brief, part 3, No. 111, the Prosecution says, I quote: "Dr. Demnitz sent various concentrations of the vaccine to the Concentration Camp Buchenwald, as reported in his report to the meeting of 29 December, 1941, when he said: 'We intend to have the vaccine produced for this experiment in its present concentration and in a double concentration, and to inform Dr. Mrugowsky.'"

Is that a correct version of your report?

A. There are several inaccuracies. I shall quote verbatim from my notes. "I shall remark here only--" that is, in Marburg when I dictated the notes,--" that we intend to have the vaccine in its present form and a double concentration prepared for this experiment, and that on the 6th of January, after Dr. Mrugowsky returns from Kiev, he will be informed." That means we intended to inform him of our intention to prepare two different concentrations of the vaccine to have them tested. The way the Prosecution puts it is wrong, namely, that in the meeting of the 29th of December, 1941, it was allegedly reported that the vaccine was to be sent to Buchenwald. Not a word was said about that, and therefore my file memorandum says nothing about it. If it says further that the vaccine was intended for experiments, this is

again a misinterpretation. At the meeting of the 29th of December, 1941, noone said anything about experiments, but only of a test (Versuch) or a comparison, that is, medical trials. There was no other way to interpret it.

Q. Dr. Demnitz, you used the English word "medical trials." I believe you mean "test" in contrast to "experiment."

A. Yes.

Q. I can tell you that because we have called the case here a medical trial.

A. Then in future I will say "test."

Q. Dr. Demnitz, you said that you had an order to send 30 doses of vaccine to the Hygiene Institute of the Waffen-SS in Berlin. Now, NI-10255, Exhibit 1609, Book 84, English page 41, indicates that on the 14th of January, 1942, fifty doses of the vaccine were sent off to the following address: SS-Obersturmfuehrer Hoven, (camp physician) Concentration Camp Buchenwald.

What about this? It is on page 61 of the German.

A. After we received shipping instructions of the 6th of January, 1942, according to which the vaccine was to be sent to Berlin, we later were called up from our Berlin office, the so-called Pharma Office, and told that the instructions were changed--not thirty but fifty doses were to be sent, and not to Berlin but to SS-Obersturmfuehrer Hoven in Buchenwald. And this was done. On the 30th of January we received by teletype a confirmation of the receipt that Dr. Mrugowsky had received these fifty doses, and at the same time this teletype message asked that fifty more doses were to be sent to Dr. Mrugowsky directly.

DR. PRIBILLA: The witness said that this information was transmitted by teletype.

BY DR. PRIBILLA:

Q. From the address to which the vaccine was now to be sent, you must have concluded that it was sent to a gentleman in the Concentration

Camp Buchenwald. Did you not have any misgivings against sending it there?

A. No. No misgivings occurred to me. After all, it was the business of Mrugowsky and the Hygiene Institute to dispose over the vaccine. There were cases of typhus in the Reich, as I reported in my notes of the meeting of the 29th of December, 1941. Why couldn't there be typhus in Buchenwald or in the vicinity? And the Gildemeister-Mrugowsky plan could be carried out there just as well as in the delousing stations in the East, for example. I do not understand why vaccines should not have been sent to the Concentration Camp Buchenwald because, after all, no harm can be done with vaccines. The characteristic of vaccine is to protect, to help, be useful--not to be harmful. Therefore, if our vaccines were used, this meant, after all, protection to the person vaccinated. Other persons in the same environment were protected by vaccines from other sources, and it resulted from experience and comparison the realization of which vaccine was best.

Q In your letter of 14 January, 1942, you write that you were sending this typhus vaccine free of charge. That is Prosecution's Book 84, Document NI 10255, English page 41, German page 61. Why did you not ask for payment?

A Until the third quarter of 1942, all of the typhus vaccines were to persons requesting them sent free of charge, not only for the Gildensietor Murgowski comparative tests. Besides, vaccines given for tests purposes were generally not charged for.

Q Your Honor, from Book 2, I should like to offer a document on page 13, Document 27 which will be Exhibit 6. This is a letter of the witness of that time to the State Institute for Hygienic, and I should like to quote one sentence from the last paragraph on page 13: "I suppose it is of interest to you that we have made vaccine available for 200 to 250 thousand persons free of charge", and the last sentence on the next page, "In the past months during which large amounts of vaccine were required, some success at least has been achieved by our vaccines. That is better than if we had done nothing. Was the harmlessness of the new vaccine from chicken eggs already tested?"

A Yes through animal experiments. Also in a test on 14 volunteers and at the Ordensburg Ruessingsee where members of special staff Sonderstab "R", which perhaps stands for "Russia" were used.

I myself used the vaccine on my own person. My position had always been that the Behring Works could not send out any preparation that I would not have injected into my own children.

Q Witness. will you please look at the so-called Ding Diary, Book 84, English page 44, German page 63; there typhus vaccine experimental Series 1 is mentioned. I am referring to the entry on the 1st of February, 1942, "Protective vaccination for typhus was carried out". Did you supply the vaccine for this purpose?

A According to my knowledge today I must assume that Dr. Ding used the typhus vaccine for this purpose which was sent by the Behring Works on the 14th of January, 1942, to Dr. Hoven.

Q Did you know that the vaccinated persons were later artificially infected with typhus by Dr. Ding?

A No. No, I didn't know that, and I did not know of it by the end of the war either.

Q Did you ever hear anything about the result of the comparative tests of typhus vaccines which were discussed at the meeting of 29 December 1941?

A Yes, in a circular letter Mrugowsky dated 5 May, 1942.

DR. FRIBILLA: Your Honors, I am not in possession of this circular of Dr. Mrugowsky reporting on the results of the comparative tests discussed on 29 December, 1941, but in the medical trial it was introduced as Mrugowsky Document 10, Exhibit 20. Perhaps I may ask the Tribunal to take judicial notice of it.

THE PRESIDENT: Counsel was that a Prosecution Exhibit in the Medical trial?

DR. FRIBILLA: No, Mr. President. It was introduced by the Defense Counsel for Mrugowsky, Exhibit 20, in the Medical Trial.

THE PRESIDENT: Counsel, perhaps in order to avoid some confusion you had better make a showing. We would take judicial notice of the judgment of another Tribunal, but we would not, I think, take notice of its record, in so far as it might pertain to an exhibit or testimony. Without undertaking to suggest what you may do, it occurs to me that you might offer that document in evidence here as an extra document, if you see fit, and depend upon the citation of the record in the medical case as your verification of it along with whatever verification it bears. If I am not stating what ought to be the proper practice, I invite the Prosecution to express its views on the subject.

MR. MALKOFF: Mr. President, what he is referring to is the Ding Report. There is no objection upon the part of the Prosecution to mark it as you indicated.

THE PRESIDENT: Verywell. Then you may be governed accordingly Dr. Fribilla.

DR. TRIBILLA: I believe there is some confusion here. First of all, Mr. President, I am very grateful for your suggestion. I did not realize that the court takes judicial notice only of the judgment. I was under the impression that the court took judicial notice of the whole record and documents. With your permission, I shall hand in this document later.

THE PRESIDENT: Counsel, I am confirmed in my view that we would not take judicial notice of evidence offered in another Tribunal unless it is presented to us. We would, however, take judicial notice of a judgment, so if it suits your convenience you may offer this document as an additional document, either as an extra document or as supplementing one of your books. You may do that later on.

DR. TRIBILLA: Yes, Mr. President, I will do that gladly.

BY DR. TRIBILLA:

Q Dr. Damanitz, you were speaking of Dr. Krugowsky's circular letter of 5 May, 1942, from which you learned about the results of the comparative tests.

Now did the contents of this circular letter give any reason to believe that these tests had been carried out in an illegal way?

A No.

DR. TRIBILLA: Mr. President, at this point, I should like to quote two brief sentences from the official transcript of the medical case and read them into the record here.

THE PRESIDENT: Now, Counsel, just in order to avoid further confusion, will you please indicate by exhibit number, and by proper reference to the transcript of the medical case, the part that you are now quoting, and we shall consider, it in evidence, subject to your supplying the Secretary General's record and supplying proper numbers to counsel for the Prosecution and for the Tribunal.

DR. TRIBILLA: Yes, Mr. President.

MR. WINSKOFF: Mr. President, I understand that this is part of the transcript and that we will receive regular copies of document as other documents?

THE PRESIDENT: Yes, that's right.

DR. PRIBILLA: Mr. President, for identification I shall give this excerpt from the transcript of the medical case, Exhibit No. 7.

THE PRESIDENT: So there will be no confusion are you in position to give us just for reference, the pages of either the German or the English transcript?

DR. PRIBILLA: Yes, Mr. President. It is from the official English transcript, page 5103.

THE PRESIDENT: May I ask you also the number of that so-called medical case and the number of the Tribunal which it was tried?

DR. PRIBILLA: That was Tribunal No. 1 Case 1.

May I ask the interpreter to read the two sentences which I have marked? First of all I should like to say that is what Dr. Mrugowsky testified to in the medical case about this report.

THE PRESIDENT: You just read it. Do you have the German copy? You can read it either in German or English and let it come in by translation of that to us, and we will have a complete record on it.

DR. PRIBILLA: Mr. President, unfortunately I have only the English text, not the German.

THE PRESIDENT: Perhaps Dr. von Metzler will be kind enough to read it for Counsel.

DR. VON METZLER: "I received Ding's report to Dr. Grawitz with the order to rewrite it in a suitable form since Grawitz did not wish that outsiders could see without any further trouble to themselves that these were really experiments on human beings with artificial infection".

"Consequently he commissioned me to take Ding's original report and, for the purpose of making communications to the manufacturing firms, to cast it in a suitable form. This I did, and the result is this document on page 86 of 5 May, 1942."

8 Apr. 48-1-CJ-9-5-Stewart-
Court 6 case 3.

DR. FRIBILLA: Mr. President, for identification I should like to give this Circular an Exhibit number, and it will be handled in later together with the excerpts from the transcript.

I would suggest that this circular letter of Dr. Mrugowsky be given Lautenschlager Exhibit N . 8 for identification.

Q.- Dr. Demnitz, this circular letter of Dr. Krugowsky's, 5 May '42, did you consider it as an intermediate report, or a final report?

A.- I considered that a final report, - a conclusive report.

Q.- Now in May, 1942, Dr. Bieling, happened to meet Dr. Ding in the Hygiene Institute of the Waffen SS in Berlin. Who was Professor Dr. Bieling? What did you learn from him about this meeting with Dr. Ding?

A.- Professor Bieling, before the war, as you know, was an associate of the Behringwerke in Marburg, and today he is again working for the Behringwerke, but at the beginning of the war he had been called up for service in the Wehrmacht, and was used in the field as a consultant hygienist. That is, during his military service he had nothing officially to do with us.

Professor Bieling wrote me a letter at that time, dealing with the results of the test of Dr. Ding, whom I did not know. The letter indicated that Professor Bieling did not consider Dr. Ding a suitable man for this test, in the sense of our scientific requirements.

Q.- Did you connect the letter of Bieling and the name of Dr. Ding with the comparative tests of the Hygienic Institute which you thought had been finished?

A.- Yes, of course, I had to, since at that time there were no other comparative tests of that nature being conducted. I assumed that the doctor whom Professor Bieling had met in Krugowsky's office was one of the men of the Hygiene Institute having something to do with the tests.

Q.- Did you gather from Professor Bieling's information that these tests were illegal?

A.- No.

Q.- Could you not conclude any inadmissible experiment from the contents of the letter?

A.- Certainly not. I gathered from Bieling's statement that the tester or testers had drawn scientifically improper conclusions from the tests.

The idea of inadmissible experiments could not occur to me, because a few days before that I had received the circular letter of Dr. Krugowsky about the results of the tests which stated expressly that the protective effect of the vaccines had been tested in a typhus epidemic.

DR. PRIBILLA: Your Honors, in this connection I should like to offer document # 24 from my document book No. 2, page 1 of the English, 1 of the German, which is to be a Lautenschlaeger Exhibit 9. It is an affidavit of Professor Richard Bieling. He describes his meeting with Dr. Ding when he was a medical officer in the field, and his impressions. On page 3, third paragraph, he states and I quote: "I assumed that the experiments would be carried out only in the foreign test. It did not occur to me that they would be carried out in a different way, - in a criminal way. Details not in agreement with this attitude were not expressed in the conversation of Dr. Ding."

Q.- Dr. Demnitz in the Ding Diary, Ex. 84, page 48 of the English, page 68 of the German, a series of typhus experiments, 5 is quoted. In the period from the first of December to the 20th of December, 1942, Dr. Ding is supposed to have vaccinated 20 persons with the vaccine from the Behringwerke, E.M. to determine the protective effect. On the 26 of January, 1943, Dr. Ding infected these people artificially with typhus. Do you know anything about this series of experiments?

A.- Until the documents of this trial became known, I knew nothing whatever about these series of experiments.

Q.- Did the Behringwerke supply this E.M. vaccine, which is mentioned here.

A.- I never heard of it. After the records of the trial became known, we checked all of the papers of the shipping department of the Behringwerke. We discovered that at the time indicated in the Ding Diary, the Behringwerke had not sent out any shipment of typhus vaccine to Teimar-Buchenwald.

Therefore if in this typhus experiment, Series V, this Behringwerke vaccine was supposed to have been used, this vaccine would have been obtained only in the normal commercial way. That means, that it was not ordered from us directly, but was acquired from the nearest sales organization, one of the Pharma offices which we had in all larger cities.

In such a case, we did not learn of the name of the persons placing the order, but as far as we were concerned, the purchaser was the Pharma Office of Bayer Office in Leverkusen.

Q.- The Ding Diary says that the results of this experimental series was reported to the firm producing the vaccine as having been negative since the controls could not be infected properly. Did the Behringwerke receive such information?

A.- No, never. We received no news or information of any kind about the result of typhus vaccine tests, with the exception of the circular letter of Dr. Krugowsky of 5 May, 1942, which has already been mentioned.

Dr. Demnitz, can you make it quite clear what shipments of typhus vaccines were sent out by the Behringwerke to Dr. Hoven, concentration camp Buchenwald, to Dr. Krugowsky in Berlin, and to Dr. Ding?

A.- It can be proven by our shipping documents that Behringwerke sent to SS Obersturmfuhrer Hoven, camp physician Concentration Camp Buchenwald on the 14 of January, 1942, 7 times 22 CC of typhus vaccine; to Dr. Krugowsky, Berlin, on the 2nd of February, 1942, 6 times 25 CC, and to SS-Hauptsturmfuhrer Dr. Ding, on the 3rd of February, 1942, 13 times 25 CC. Other typhus vaccines were not sent to these addresses.

Q.- Do I understand you correctly, if I gathered the following from your answer; Hoven, Krugowsky and Ding received one shipment each?

A.- Yes.

Q.- Hoven received a shipment on the 14th of January, 1942; is that the 50 doses which you have already discussed?

A.- That seems to be the case.

Q.- Dr. Krugowsky, on the 2nd of February, is that also the 50 doses which you just mentioned which were ordered by teletype?

A.- No, that is something else; that is 6 times 25.

Q.- That is something else; then Dr. Krugowsky received two shipments?

A.- Yes.

Q.- Of about 50 doses each?

A.- Yes.

DR. FRIBILLA: Your Honors, I now offer a document from Book 2, English page 15, German page 15, Document 28, which will be Exhibit No. 10. This is an affidavit from the head of the shipping department of the Behringwerke, Harburg, Andreas Hilberger and it contains the complete shipping list of the Behringwerke for typhus vaccine.

The Prosecution has submitted a document here from Book 84, page 64 of the English, 93 of the German, which is an affidavit of Dr. Hoven, Exhibit 1611, stating that the first boxes and packages containing typhus vaccine shipped to Buchenwald Concentration Camp, spring of 1942, were addressed to the Typhus Experimental Station. Do you know anything about such shipments, did they come from the Behringwerke?

A.- They couldn't have come from the Behringwerke-Harburg. For, as I have already stated, we sent on the 14th of January, 1942, one shipment of 7 such packages, (indicating package before him) to Dr. Hoven Concentration Camp Buchenwald.

DR. FRIBILLA: Mr. President, I should like to offer this package as an Exhibit, Lautenschlaeger 67, Exhibit 11.

THE PRESIDENT: That, of course, is not listed in your book, Dr. Fribilla?

DR. FRIBILLA: Yes.

THE PRESIDENT: Very well.

BY DR. PRIBILLA:

Q Dr. Demnitz, we have discussed two shipments before. One was a shipment of 50 doses for Dr. Hoven, and 50 doses ordered by teletype directly for Dr. Mrugowsky. You also mentioned another shipment of 3 February 1942 to the address of SS Hauptsturmfuehrer Ding, Berlin. How did this shipment come about?

A These were the 18 x 25 cc typhus vaccine which I mentioned. Our records do not make the reason for the shipment very clear. Our shipping department assumes, however, that the delivery was ordered by the Pharma Office, Berlin, and probably by phone. This means, therefore, that it was quite a normal business transaction.

THE PRESIDENT: Dr. Pribilla, just to keep the record straight, may I suggest that you pass your Exhibit 11 to the Prosecution if you have one. Then, you may pass it up to the Tribunal. If there is no objection to it, we will look at it and deliver it to the Secretary General;

DR. PRIBILLA: Very well, Mr. President.

THE PRESIDENT: The Tribunal will attend to it for you.

BY DR. PRIBILLA:

Q Dr. Demnitz, you have studied the Ding Diary carefully. Can you tell us whether it says anything about this last shipment, and especially whether it was used for any tests?

A I have carefully studied the Ding diary. At no point does it mention the use of this vaccine. One can only assume that this vaccine was either not used at all or was used in some other way for protective vaccination.

Q In this affidavit of Waldemar Hoven which I have just quoted, it says the addresses of the persons receiving the vaccine were camouflaged. Will you please comment on that. Do you know anything about such camouflage?

A I just said that only one shipment each was sent to Mrugowsky Ding, and Hoven. We had the exact addresses which I have just given, and

you can see that they were quite open. In addition to that, I would like to state expressly that we did not arrange any camouflaged addresses for anyone receiving our vaccines. Besides, the remark in the affidavit does not necessarily have to refer to us, since the Ding diary shows that Dr. Ding received typhus vaccines from several other manufacturers.

Q In this connection I would like to refer to a document which has already been quoted. It is a document in Book II, English page 20. This is exhibit 10. Here the head of the shipping department of the Behringwerke, Mr. Hilberger, says:

"The affidavit of Waldemar Hoven of 3 October 1947 was shown to me. I as the responsible chief of the shipping department of the Behringwerke Marburg-Lahn state the following with respect to the agreement about a cover address for the consignment of vaccines asserted in the document just mentioned.

"I never knew that an agreement had been reached between the Behringwerke and any other recipient of our vaccines to direct the consignments to a cover address. A cover address was never used."

Dr. Demnitz, you know the affidavit of Artur Dietsch of 2 October 1947, Document Book 84, English page 69, German page 100. It says there:

"Dr. Ding told me that Farben had been informed of the comparative assessment of success achieved by the various vaccines, and he also said that the Behringwerke had been very disappointed with the results achieved by their vaccines."

What do you know about this, so far as such results are concerned?

A The Behringwerke received only the previously mentioned circular letter of Dr. Mrugowsky of 5 May 1942. I merely took note of this circular letter and then filed it. It stated, in summary, that immunization against typhus could be achieved with chicken egg vaccine equal to that of lice vaccine. The extent of the protection to be achieved depended on the method used in producing the vaccine. Therefore, I could not be disappointed after reading such a summary. I could only be satisfied.

Up to the present day we are still selling chicken egg vaccine. Over 90% of this vaccine by the way, is today being given to American agencies.

Q In the Ding diary, Book 84, English page 50, German page 70, some other vaccines are mentioned. Yellow fever vaccines tested are mentioned which were carried out between 13 January 1943 and 17 May 1943. What do you know about these deliveries.

A On 29 December 1942 Oberstarzt Dr. Schreiber of the Army Medical Inspectorate of Berlin called me up in order to inform me that the production of yellow fever vaccine was urgent. He emphasized that before mass application, every batch of yellow fever vaccine had to be tested on human beings. We suggested to him that these tests should be carried out on the employees of the Behringwerke, Marburg. He demanded, however, that the vaccines should first undergo long transportation so that the reliability of the package after transportation might also be tested and therefore, it would be tested by the Hygiene Institute of the Waffen SS, Weimar-Bucherwald. He instructed me to send samples of each batch of vaccine there.

Q How were these yellow fever vaccines sent out?

A Through messengers through the Weimar Railroad station, and there members of the Waffen SS took over the shipments. We were using a specially constructed container.

Q Did you know that the tests were to be performed on concentration camp inmates?

A No, I did not. The instructions of the Army Medical Inspectorate stated expressly that the yellow fever vaccine was to be sent to the Hygiene Institute of the Waffen SS, Weimar-Bucherwald. I myself had no knowledge of local conditions there.

Q What ideas did you have of the persons to be used for these tests?

A I was thinking quite generally of members of the Wehrmacht -- members of units about to be sent out to Africa. I happened to know that in Thuringia there were large units of the Luftwaffe and also paratroopers were stationed there.

Q Dr. Demnitz, what is a vaccination with yellow fever vaccine like? Is it dangerous?

A That is just as harmless as smallpox vaccinations. I assume that everyone here knows about that. You know that there is a local reaction in Smallpox vaccination after several days; perhaps there is a little headache, perhaps a slight increase in temperature -- 1/10th of a degree celsius. 1/10th of a degree celsius.

Yellow fever vaccine is injected in the same way, by scratching the skin, but there is no local skin reaction. After 8 or 9 days approximately, there is a slight increase in temperature, and perhaps in one case or another there is a slight headache.

Q Were you informed of the results?

A Yes. We received records of the tests with an accompanying letter from the Hygiene Institute of the Waffen SS from Weimar-Buchenwald.

Q Then it said nothing about the concentration camp?

A No. It did not. The records merely contained the initials and the age of the person vaccinated, temperature and indications about urine and blood tests, etc.

Q Did you make any use of these records?

A Yes, we did. From these records we learned that our vaccines had retained their efficacy in the transportation container and had not been harmed by transport. We had instructions, after taking notes of the records, to send them on to the Army Medical Inspectorate and we did so.

Q In the Ding diary there is something about typhus vaccines experimental series No. VII, Document Book No. IV, English page 57-c, German page 79. Entry of 28 May 1943, 18 June 1943, typhus vaccine Series VII with vaccine Asid. Was this a Farben vaccine.

A No. This vaccine is a typhus vaccine which was not produced by the Behringwerke. Asid is the name of a rival firm in Dessau, with which we had nothing whatever to do. Asid means Anhaltisches Serum Institut, Dessau.

Q The Ding diary, Book 84, English page 57-D and E, German page 80, further says: "A high test immunization experiment with Frenkel vaccine." Is that a Behringwerke vaccine?

A Yes.

Q Did you supply Dr. Ding with this vaccine?

A No. After my acquaintance with the Prosecution documents and the Ding diary, I checked very carefully in the Marburg plant to find out how Ding obtained this vaccine. Today I can tell you that exactly.

In peacetime, but more especially in war, many people died because bacteria got into wounds and caused gangrene. That is a disease of wound infections. Everyone knows tetanus. Both types of wound infections endanger human life to a high degree, but every tetanus infection leads to an clearly visible disease. In the course of days or weeks. In the case of gangrene, the symptoms of the disease appear after a few hours. Therefore, it was a very important problem in medicine to find a vaccine which would protect healthy persons and make them immune to the danger of gangrene infection which occurs when they are wounded.

The University Clinic at Marburg, in a publication in the Klinische Wochenschrift, the Clinical Weekly, announced that a vaccine produced by the Behringwerke had this effect. The success of the immunization is determined by testing the blood of the individual concerned. Through the article in the Klinische Wochenschrift, the Army Medical Inspectorate became aware of our vaccine and demanded it. In a letter of 5 May 1943 they asked that we ship this gangrene vaccine to the main medical storehouse. From there the vaccine would be sent to Dr. Mrugowsky for testing.

On 3 June, the Army Medical Inspectorate requested additional amounts of this vaccine.

Q Did you send the Frenkol vaccine to Dr. Ding also?

A Not at first. I just told you about the shipment to the Army Medical Inspectorate. The Army Medical Inspectorate must have sent the vaccine to the Hygiene Institute of the Waffen SS at Weimar-Buchenwald. For we received a letter from the Hygiene Institute of the Waffen SS dated 14 October 1943 asking for instructions about our vaccination plan. We had included this vaccine plan with our shipment to the Army Medical Inspectorate, and also, we had sent out several copies of it on request to interested parties. We answered the letter and stated that we were willing to make the necessary blood tests in our laboratories.

A t the request of the Hygiene Institute, in December and January we sent gangrene vaccine to them.

On 3 June, the Army Medical Inspectorate requested additional amounts of this vaccine.

Q Did you send the Fronkol vaccine to Dr. Ding also?

A Not at first. I just told you about the shipment to the Army Medical Inspectorate. The Army Medical Inspectorate must have sent the vaccine to the Hygiene Institute of the Waffen SS at Weimar-Buchowwald. For we received a letter from the Hygiene Institute of the Waffen SS dated 14 October 1943 asking for instructions about our vaccination plan. We had included this vaccine plan with our shipment to the Army Medical Inspectorate, and also, we had sent out several copies of it on request to interested parties. We answered the letter and stated that we were willing to make the necessary blood tests in our laboratories.

At the request of the Hygiene Institute, in December and January we sent gangrene vaccine to them.

Q. Did the letter of the Hygienic Institute of the Waffen SS, that you are speaking of, bear the signature of Dr. Ding?

A. I believe so. I am no longer absolutely certain because the letter is no longer in my files. As far as I can remember, the prosecution took it out of my files.

Q. Dr. Demnitz, did you, at that time, have any misgivings against sending the vaccine to this agency?

A. No, not at all.

Q. Did you know whether the Hygienic Institute of the Waffen SS Weimar-Buchenwald had anything to do with the concentration camp Buchenwald?

A. No. I learned of the connections only after the war through Kogon's book "Der SS-Staat".

Q. Did you know on what persons the vaccine was to be used?

A. No. But one could assume that it was to be used on members of the SS or the Wehrmacht, or the labor service, or the organization Todt or some other labor details.

Q. Was the vaccine dangerous?

A. No, not at all. On the contrary, I have already said that it was very important protection for the individual.

Q. You just said that blood samples of the vaccinated persons were examined in the Behring Werke laboratories.

A. That is customary throughout the world, and for vaccine plants it is a daily occurrence.

Q. How are the blood samples taken?

A. That is a daily occurrence. I assume that everyone has undergone that. A few CCs. of blood are taken from a vein and sometimes from the earlobe.

Q. From the entire correspondence did it ever become clear to you that the persons vaccinated were inmates?

A. No.

Q. Was there any indication of an illegal use?

A. No, of course not. But I should like to say something else. I have now studied the Ding diary very carefully. At no point does it show that he did anything else than to perform perfectly correct vaccinations against gangrene. Besides the vaccinations as the blood tests showed, were successful.

Q. I now come to a final entry in the Ding diary. Book 84, English page 47, German page 66, Typhus Vaccine Experimental Series IV from 24th October 1942 - 8th November 1942 is recorded, supposedly with having been conducted with vaccine from the Lemberg Institute. Do you know anything about this?

A. No. The Behring Institute at Lemberg sent out vaccine on its own responsibility.

Q. Was the Behring Institute at Lemberg under the jurisdiction of the Behring Werke Marburg?

A. The Institute was largely independent. It was, so to speak, a daughter of ours who had married abroad and was independent. We had equipped the institute. We had seen to it that it was under the charge of a first class and reliable expert, and we were always willing to give aid and advice. For the rest, the Institute worked independently with the military and civilian agencies competent in the East. We did not exercise any control nor would we have been able to do so because of the geographical distance. Under the conditions it did not seem necessary.

Q. I should like to offer a document from Document Book 2, Document Number 33, page 29 of the English and page 29 of the German. This is to be Exhibit Number 12 for Lautenschlaeger. It is an affidavit of Dr. Richard Haas. He was the head of the Behring Institute in Lemberg. Dr. Demnitz, you know from the record the affidavit of Dr. Eugen Kogon, Document Book 84, English page 72c, German page 113, Exhibit 1631. In paragraph 19 he states that he had to draw up detailed reports about Dr. Ding's

experiments. On the distribution list for these reports the Behring Werke were allegedly included. Dr. Kogon says, and I quote, "All copies of the reports were sent to Dr. Mrugowsky for further distribution in these cases." The prosecution has stated in the trial brief, part 3, Number 119, that Kogon sent these reports to Farbon. I should like to ask you now, did the Behring Werke Marburg ever receive any such reports?

A. Never. The Behring Werke did not receive any such case histories of experimental persons.

Q. Dr. Demnitz, another prosecution document from Book 84, English page 75, German page 119. This is Exhibit 1633, a letter of the Behring Werke Marburg dated 15 September 1942 to Mr. Mrugowsky, where the Behring Werke offer a tetra azerbato vaccine. The prosecution connects this with typhus experiments. Is that correct?

A. No, that is not correct. This is a vaccine against typhoid plus paratyphoid plus cholera.

Q. Mr. President, I am now coming to an entirely different subject which will take some time. Perhaps we might adjourn now because I don't believe I can finish before lunch.

THE PRESIDENT: Very well, the Tribunal will rise until 1:30.

AFTERNOON SESSION

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: You may continue, Dr. Pribilla.

DR. PRIBILLA: Your Honors, I believed that we had already concluded the field of typhus, but there was some confusion that arose during the examination this morning. For that reason I should like to ask you, Dr. Demnitz, to once more tell me something about the typhus vaccine deliveries. This is a very difficult subject for us, and it is just as well if everything is cleared up properly. I shall briefly summarize. We had the meeting of 29 December 1941. We then had a delivery of fifty dosages of vaccines. At first it was ordered by writing and verbally for the Hygienic Institute of Berlin. By telephone the order was changed to the delivery on 14 January 1942 to SS Obersturmfuehrer Hoven, the camp physician of the concentration camp of Buchenwald near Weimar. Then we had an order by telephone for Dr. Krugowsky in Berlin. Delivery again amounted to fifty dosages on 2 February 1942. Third, a delivery to SS Hauptsturmfuehrer Ding, Berlin, on 3 February 1942. That is eighteen times twenty-five ccms. You told me that each one of these said gentlemen received one delivery each. But I heard that you answered to one of my questions that Krugowsky received two deliveries of vaccines.

A. That was a misunderstanding. Everyone of these three gentlemen, Hoven, Krugowsky and Ding received one consignment each, as you just stated it.

Q. Dr. Demnitz, the prosecution, in their opening statement, in their trial brief, and when presenting documentary evidence, has again and again pointed out Behringwerke's correspondence with Dr. Krugowsky and his office and they made these statements in connection with Dr. Ding's experiments in the concentration camp of Buchenwald. Does that represent the actual events as you found them to be?

A. No. I should like to express myself clearly and deny firmly any such assumptions. The Behringwerke are vaccine production plants which, during wartime, had to collaborate to a large extent with the German Wehrmacht. Today we are collaborating with American authorities.

Dr. Mrugowsky was the highest level in that connection in the hygienic field and in the field of combatting epidemics. He was not only responsible for SS units, but beyond that he was responsible for all the huge Eastern territories occupied by Germany during the war, including the civilian sector of those territories. He had to deal with civil servants, military occupational authorities there, as well as the civilian population. In other words, he was the only competent man to combat epidemics. Epidemics, as it is known, draw no distinctions between civilians or soldiers, nor do they draw any distinctions between civil servants and the ordinary population. Dr. Mrugowsky, therefore, had received authority covering all these spheres. Typhus came from the East. Consequently, the contact with Dr. Mrugowsky and his extensive office was a natural phenomenon within the framework of our daily duties. The prosecution has only submitted here a fraction of this huge field with which Dr. Mrugowsky actually had to deal. As a result, in my opinion, distorted picture arises.

Q. Dr. Demnitz, in the course of our examination you have repeatedly stated that you did not know the situation in Buchenwald and you had no idea whatsoever about the concentration camp and the local conditions. The prosecution has submitted three documents here which originate from 1939. We are concerned with exhibits 1601 up to 1603 in Document Book 84, English page 20 to 28, German page 31 to 42. From these documents it becomes apparent that the Behring Werke already, in 1939, had delivered dysentery vaccines to the concentration camp of Buchenwald. I may quote the prosecution, from the official transcript, English page 4236, German page 4265. I quote: "The prosecution offers these documents in order to show the correspondence between Farben Behringwerke and the concentration camp of Buchenwald; and in order to establish that the initiative for the testing of their production at the concentration camps was taken by the Farben Behringwerke. It is furthermore intended to show that the Behringwerke in 1942 were aware that Buchenwald was a concentration camp and that inmates were to be used there for experimental purposes." That

can you say about that?

A. I shall deal with these three charges by the prosecution. One — the initiative allegedly was taken by Farbco. In that connection I might state that the dysentery vaccines for the Buchenwald concentration camp were ordered from the Behring Works by normal business channels. We are a plant producing vaccines and it is our task to help, in particular, to help in case of epidemics. In 1939, we learned from the Hygienic Institute of Marburg University of the outbreak of a dysentery epidemic in the concentration camp Buchenwald. It was a matter of course that we delivered vaccines there for the protective vaccination of persons who had not yet fallen victim to the disease. Consequently, in order to combat the epidemic we delivered our trade vaccine, which, ever since 1918, was being sold by us. In addition, we sent a newer type of vaccine which was not yet in circulation, but which represented the best we had at our disposal at the time. I should like to state expressly that this vaccine, too, had already been tested for its efficacy or had been vaccinated on Breslau students at Marburg or elsewhere. In addition, this vaccine was used and tested at the State Institute for Experimental Therapy in Frankfurt on the Main and was judged to be excellent. In other words, it was ready to be delivered. I state that the initiative did not originate from Farbco. Two — it is true that the Behringwerke could assume from this business transaction that a concentration camp existed at Buchenwald. However, that is not at all in contradiction with what I told you up to this point. We know just as much as the word conveys, but no more. Three — inmates were to be used for experiments. I state that the vaccinations of the inmates against dysentery do not represent an experiment or a test. I repeat we were concerned with an epidemic. In other words it was a prophylactic application and nothing else.

Q. From the said documents it becomes apparent that Behringwerke, subsequent to this vaccination, received blood tests of the inmates of the camp. Did that represent something extraordinary?

A. No, the blood examination of the vaccinated persons was carried through in order to establish the protective effect of the vaccination. The same process is used whenever an enclosed circle of persons can be examined with subsequent serological examination. That applies to labor camps, students, et cetera. The ascertainment of the vaccination efficacy is predominantly in the interest of the inmates. Naturally, the serum plant is also interested to ascertain the efficacy of their vaccines.

I might state, by the way, that the Behringwerke of Marburg wrote only one of these letters submitted. They wrote that letter in which it is stated that on the whole we could only examine 60 blood tests and, unfortunately, no more. The other letters concern other Farben agencies. It is shown clearly on the whole that this is an entirely normal business transaction.

Q. English page 27 of Book LXXXIV, German page 40, is one of these documents and we see from that document that the camp physician asked the Behringwerke on the 2nd of February 1940 that the figures stated were to be treated as secret and confidential. Was that in any way unusual?

A. No, I found nothing unusual in that. It was war time and information concerning epidemics and infectious diseases were not to be made public in order not to cause unrest among the population. That was customary in all other cases of epidemics. The foreign intelligence service would have immediately have taken up any such reports.

Q. Was the same vaccine used elsewhere?

A. Yes, it was used to a large extent wherever its application became necessary. It was mainly used with the army at the front.

Q. In that delivery of the vaccines to the concentration camp at Buchenwald did you see something impermissible?

A. No. On the contrary, I would have considered the nondelivery of these vaccines as being impermissible. Today one could justly charge us with having shown a lack of humane feeling of responsibility.

Q. Dr. Demnitz, is it correct if I state in summary that all the vaccines of the Behringwerke which were mentioned in the examination up to now were produced and tested under your responsibility?

A. Yes.

Q. Beyond that did Professor Lautenschlaeger also have a medical responsibility?

A. No direct responsibility. If beyond that there is any mention of Professor Lautenschlaeger's responsibility, it can only be mentioned in the indirect sense of the word. That is to say, Professor Lautenschlaeger was responsible to the entire Farben industry that the position which I held was occupied with the right person who was working in an expert and conscientious manner.

Q. Did you ever inform Professor Lautenschlaeger about the details concerning the testing of vaccines which we have discussed here?

A. That happened in no case at all.

Q. Why was Professor Lautenschlaeger not informed about the details of these vaccine tests?

A. I may remind you of what I said initially when you examined me on the independence of the Behringwerke. Professor Lautenschlaeger was only informed about the events in our field in broad outline. Typhus vaccines, yellow fever vaccines, typhoid and paratyphoid vaccines are preparations which were not invented at the Behringwerke. They were produced by us according to prescriptions of other inventors. We, therefore, did not have to assume a scientific responsibility on our part with respect to these preparations and certainly no such responsibility had to be assumed by Professor Lautenschlaeger. The Behringwerke and within the Behringwerke I alone bore only a responsibility with respect to the technical production which was to be beyond reproach. The testing of the preparations referred to efficacy, compatibility and durability. Such

tests, however, were every-day occurrences about which Professor Lautenschlaeger did not have to be informed and actually was not informed.

Q. You said that Professor Lautenschlaeger was informed only in broad outlines. Did you inform him of the results of the comparative vaccine tests which were afterwards carried out in the Reich Ministry of Interior and I am particularly referring to Dr. Mrugowsky's report of the 5th of May 1942?

A. I think that I can still remember that I have done so.

Q. Could you perhaps tell us in what way you informed Professor Lautenschlaeger?

A. As far as I remember, I probably told him one day that it was now established that the chicken egg vaccine has proved to be just as effective as the Weigel vaccine, the lice vaccine.

Q. Did you inform Professor Lautenschlaeger of Professor Bieling's letter directed to you in which Professor Bieling considers Dr. Ding as an incompetent tester of vaccines in the sense of your scientific demands?

A. No. According to Bieling's description, Dr. Ding had drawn unjustified conclusions from the test results. I considered these as being unjust complaints against our vaccine. These complaints had no basic significance and there was no reason to inform Professor Lautenschlaeger.

Q. Dr. Demnitz, we have now discussed the entire prosecution documentary material as far as it is in connection with the Behringwerke. You had an opportunity beforehand to study the entire material in detail. In summary, have you anything to add with respect to the charges which have been raised against Dr. Lautenschlaeger as a result of the activity of Behringwerke?

A. Yes. With respect to the entire material, I might state the following. More or less everything points to the fact -- that that was already told me once before by a member of the prosecution -- that we should have noticed at some stage or another that our vaccines were used for criminal purposes. This is entirely incomprehensible to me because, even after everything we know today, our vaccines were not used for criminal purposes, but a criminal has subsequently artificially infected human beings which had previously been vaccinated with our vaccines.

These infectious bacteria certainly did not originate from us. If any such understanding with this criminal had been the case as the prosecution seems to assume, then it would have been logical if they had also demanded the various infectious bacteria from the Behringwerke. The Behringwerke in Germany is the place where nearly all infectious bacteria are being bred to the highest degree of efficacy. That is the basic assumption for the production of highly effective sera and vaccines. I understand it, to a certain extent, why the prosecution entered upon this trend of thought. I really must say to myself that these gentlemen really are only acquainted with the Buchenwald case. But in reply to that I must state that the reality, as far as it affects ourselves and me, particularly, is quite different.

For 150 years there has been protective vaccination. I have been active in this field for 27 years. Artificial infections on human beings are only known to me from books. In the history of medicine they have been carried out very rarely and, as far as I am concerned, they only represent book knowledge, because at no time have I made any personal experiences with any such procedure.

The opinion that, when delivering vaccines and sera, of necessity one has to think that they would one day perhaps be misused is entirely outside my power of imagination. Would you please take into consideration that the entire creative power of my life was devoted to the task to produce effective protective against epidemics and diseases. The war which is behind us has taken up all of my powers. In the Behringwerke with a few associates, during the war, I have produced sera and vaccines for the vaccination of approximately 120 millions of human beings and you have to take that into consideration. If you have done so you will understand that the individual cases which are the subject of discussion here completely drowned in the mass of the other business occurrences. With good conscience and assurance I might state that during our time such occurrences at no time emerged from this mass of activity.

Q. Dr. Demnitz, that concludes my examination of you with respect to the Marburg activity. I should like to put a number of questions to you now with respect to Professor Lautenschlaeger's medical activity in Hoechst. To what extent were you informed about the work at the Hoechst plant in the medical field?

A. About the scientific and technical production questions pertaining to the Hoechst plant we were not informed.

Q. Didn't you learn that during the sero-bacteriological plant conferences which took place once a year?

A. No. The sero-bacteriological works conferences had nothing to do with the large medical field of work of Professor Lautenschlaeger. Only in the veterinary field of work chemo-therapeutical questions were being discussed.

Q. Dr. Demnitz, the activity of the Hoechst plant, as well as the activity of the Marburg plant served for the combatting of disease. As you have seen we are here partly concerned with the very same disease. Wouldn't it have been necessary and reasonable that you carried on a full mutual exchange of experiences with respect to all medical questions?

A. The laymen may well imagine that. In reality, however, we have

to distinguish between two special fields of the large realm of medicine. We in Marburg are producing natural products which, in the analysis, serve prophylactic application. The task of Hoechst, on the other hand, is to chemically produce synthetic substances. Both of these fields are huge and cannot be surveyed by the individual. For that reason, in the twentieth century, it is necessary to strictly specialize oneself, if one wants to achieve any success.

Q. The prosecution has submitted a number of letters from which it becomes apparent that Professor Biebling has also carried on correspondence pertaining to Hoechst preparations. Professor Biebling, on the other hand, was an associate of Behringwerke, was he not?

A. No, not during the war. He was the consulting hygienist at the front and in this capacity, therefore, he had to be interested in the entire field. In the field hospitals he also had to use the Hoechst drugs. With respect to the letters submitted we are concerned with correspondence of his offices with the Hoechst plant and it really is private correspondence. The Behringwerke had nothing to do with it. Personally, I was in no way informed about the matter.

Q. That is to say, you were not informed about the testing of the Hoechst preparation 3502 and Nitro-acridine?

A. No, I was not informed.

Q. Dr. Demnitz, but now you have been able to study the entire prosecution material. Had you learned at the time that Hoechst had rejected Dr. Ding as the tester of their preparations, would that have had any effect upon your action with respect to the case we discussed here?

A. That is a hypothetical question. It does not correspond with the true relationship between Hoechst and Marburg. I just said that the fields of work were sharply divided. I would now like to add that it was not at all customary that one person would concern himself with the testing of the other person's preparations. In spite of that, I shall endeavor to answer your question.

For not one minute must you overlook, however, that Dr. Ding was never assigned by the Behringwerke as a tester. As I have reported here, he only appeared at the borderline in connection with the Hygienic Institute.

As I can see from the Trial Documents, on 14 April 1943, Hoechst rejected Ding as a tester of the products. At that time the comparative typhus tests had long been concluded. He received the yellow fever vaccine not from us, but from the Army Medical Inspectorate, ever since November, 1942. Gangrene vaccines only got into his hands later. However, as I have explained here in detail, he did not receive that vaccine from us, but he received it in the same round-about manner through the Army Medical Inspectorate. We probably would not have refused him these preparations had he directly approached us for them, because he, as a practising physician, was entitled to ask for them. Furthermore, it has not been established in any way that he did any harm with these particular vaccines. In summary, therefore, I think I can answer your question by saying that even if we had known of the Hoechst's refusal that would not have prompted us to any other action.

Q. Dr. Demnitz, in spite of the division of work, are you in a position to comment, from your own knowledge on the medical and scientific capacities of Professor Lautenschlaeger?

A. I have known Professor Lautenschlaeger since 1930. That is to say, since the Behringwerke were taken over by Farben. Professor Lautenschlaeger is a highly qualified scientist. He has a high sense of responsibility from a human and medical point of view. His medical conscientiousness is exemplary. Personally, I already mentioned that when I had conflicts with the Party agencies, he always assisted me. He is a noble, quiet and reticent man, but I have been able to observe that when it was necessary, he had a great deal of moral courage. Moreover, I believe that when he accepted his position as head of the works combine of the Maingau plants he was only prompted by a sense of duty toward Farben. In my opinion, he would have devoted himself

entirely to science and research after the war. His noble and sensitive character suffered from the difficulties of everyday life in the plant and from the rough methods of the Party.

DR. PRIBILLA: Your Honor, during my examination of the witness, Dr. Demnitz, I did not deal with a number of minor questions because it is my view that the presentation of documents in connection with that point will suffice. I shall now submit these documents dealing first with Book II, page 21, document 29. This is an affidavit by Dr. Paul Wintzer which will be marked exhibit Lautenschlaeger 13. I repeat, it is on page 21.

The Prosecution has dealt with this matter on various occasions. It deals with the vaccination of foreign workers at the Behringwerke plant. Dr. Wintzer confirms, in his affidavit, that these were protective vaccinations of prisoners-of-war against epidemics which, at the time, had been ordered by the military authorities. Dr. Wintzer was the local military physician at the Merburg plant.

Dealing with the same subject, I will present Lautenschlaeger document 30 as exhibit 14. That's on page 22 of Book II. It is the affidavit of Dr. Wilhelm Schulz and Emil Oldenburg. In that connection I shall also offer the following document, the affidavit of the witness, Dr. Demnitz himself, Lautenschlaeger document 31 as exhibit 15. From Book II on page 31, I have yet to submit Document 34 which is another affidavit of Professor Dr. Richard Bieling, which is to become exhibit 16. This deals with another letter which was submitted by the Prosecution, that is, exhibit 1680 of Document Book 86 of the Prosecution. This letter is quoted in that affidavit and Professor Bieling makes some statements, in his capacity as an expert, in this matter which was dealt with by the Prosecution.

This concludes my examination of the witness, Dr. Demnitz.

THE PRESIDENT: Any other of Counsel for the Defense have any questions to put to the witness? If there are none, the Prosecution may cross-examine the witness.

CROSS EXAMINATION

BY MR. MINSKOFF:

Q. Dr. Demnitz, when you were interrogated in January, 1947, were you arrested at that time or were you placed merely under house arrest?

A. I already told you that on the night from 7 to 8 January, 1947, I was arrested. At that time, when Mr. von Halle interrogated me, and in my opinion, it was 17 January 1947, I was again at liberty, but I was still limited in my movements.

Q. At that time you had mentioned that your wife was rather ill, and you wanted to remain in your own town, rather than be brought to Nurnberg, is that right?

A. The physician treating my wife was greatly concerned about her life, and he told the Military Government about his medical opinion.

Q. And special consideration was then given you, and you were permitted to remain right in your own home, isn't that correct?

A. Yes, I did remain at home.

Q. You recall at the end of the interrogation making the following statement to Mr. Von Halle? "Mr. Von Halle, I want to say to you, at the end, that I have every respect for the way you have conducted your interrogation". Do you recall making that statement?

A. I really don't remember that now, but if Mr. Von Halle noted that down, I think it is quite possible that I said so.

Q. Thank you. Now, Dr. Demnitz, isn't it true that the Behring typhus vaccine, according to Otto and Wolrab, was first experimented with animals in the Behringwerke?

A. I already said that.

Q. Isn't it true that in 1941 you changed your experiments with animals to tests or experiments on human beings?

A. We neither transferred the experiments to human beings nor did we make any experiments at the Behringwerke.

Q. Do you recall, Dr. Demnitz, forwarding vaccines in 1941,

according to the Otto and Wolrab method, to Leverkusen in order to be forwarded to Dr. Mrugowsky?

A. I am afraid I did not understand your question.

Q. Let me repeat it. Do you recall, in the year 1941, forwarding typhus vaccines to Leverkusen in order to be further forwarded to Dr. Mrugowsky?

A. I think that you are referring to the vaccines which were sent to the Special Staff R.

Q. Were they typhus vaccines?

A. Yes. That is what you asked me about.

Q. And you sent them for the purpose of having them tested on human beings?

A. You know from the documents yourself that Leverkusen had taken up that contact. It was Dr. von Engelhardt. This vaccine was applied on these people. If you want to talk about such a trial application, then you really should not use the word experiment, because with that typhus vaccine you really cannot make an experiment.

Q. You recall the date that those vaccines were sent to be -- shall we say -- tested by Mrugowsky? The approximate date?

A. You mean in 1941, do you?

Q. That's right.

A. Yes. Well, as far as I still remember the documents, that happened at the second half of 1941,

Q. And do you recall also, in 1941, personally writing to Dr. Ding forwarding to him Behring Works' tetanus and Fraenkel bacillus?

A. I do not remember that experiment at the moment, but perhaps you can refresh my memory.

Q. The Prosecution offers NI 12148 as its exhibit.....There seems to be some confusion here. I will go on to the next question until this matter is cleared up. I withdraw my offer for the record.

Dr. Demnitz, will you state when you were first informed that there was to be a meeting to discuss the testing of the comparative efficacy

of the various typhus vaccines?

A. No such invitation was ever issued. I already told you that, and that was later confirmed by the file note of Ministerialrat Bieber that the meeting of 29 December 1941 was called in order to discuss and clarify the typhus vaccine production, and in order to determine the extent of this production; to discuss the possibilities at home and in Poland. If Professor Gildemeister, at this meeting, made some remark in passing that he with Mrugowsky or, better, Mrugowsky with him, had arranged a testing scheme, then. I have noted that down, in my file note but we didn't meet for that purpose.

Q. May I repeat that question. When were you first informed that there was to be such a meeting?

A. I particularly want to stress that there was never a meeting, the purpose of which it was to arrange a comparative test or something of that kind. No such meeting ever took place.

Q. I am referring now - never mind the characterization - to the meeting of 29 December 1941. When were you first informed that that meeting would take place?

A. This morning I already replied to that question, and if I remember correctly, I said that, as far as I remember, there was an invitation by telegram.

Q. Now, as a matter of fact, Dr. Demnitz, didn't you speak to Dr. Mrugowsky personally, about two weeks before that meeting, concerning the problems to be discussed later?

A. Yes, I can tell you that exactly, Mr. Minskoff. On 22 December I was in Berlin. At that time I went to Berlin because my wife had her birthday, and we wanted to visit relatives and to do some shopping at the same time. On that occasion, I took with me a typhus vaccine assignment which I delivered to the office at Kurfuerstendamm. There I was told that Mr. Mrugowsky wanted to see me to discuss the matter of how we were producing the vaccine. I therefore went to the office and probably spoke to Mrugowsky for five or ten minutes -- how we were

producing the vaccine, the chicken egg, embryo, and how many cubic centimeters were involved, etc.

Q. Now, in that discussion which you had with Mrugowsky, did he let you know in any way what was going to be discussed at the 29 December meeting?

A. No. No. Not one word.

Q. So that within the next few days when you received the teletype communication you were completely surprised by the fact that a meeting to discuss the very same subject was to be called, wasn't that right?

A. The meeting was called in order to discuss the possibilities and the localities where vaccine was to be produced. A discussion took place as to what extent the Behringwerke were to be included in this production plan. Furthermore, it was discussed that Lemberg too could produce vaccine, and I think that I can remember that in Mr. Zahn's file memo, it is explained at the end what the purpose of this entire conference was. That is to say, let us look at the memo....

Q. May I interrupt just a moment. The question was merely whether, when you received the teletype, were you then surprised? Was that the first information you received that a meeting was to be called on the 29th? That's all that the question was. Do you recall whether that was your first information as to the 29 December meeting?

A. Dr. Mrugowsky naturally didn't discuss a meeting at all, on the 22nd and didn't mention it with one word.

Q. Thank you. Now, at that meeting, Dr. Demnitz, the real problem you had was to find a vaccine not only which would be effective, because you already had that in the Weigel vaccine, but one which, at the same time, could be produced in large quantities. Isn't that correct?

A. Yes.

Q. Now, isn't it a fact that completely apart from the Behringwerke vaccine, you already had such a vaccine in the Robert Koch vaccine?

A. Well, I already told you that Prof. Bieling, in his laboratory

had adopted the method of Cox's and we kept that method.

Q. This is a very simple but very important point. At the meeting, you were trying to find a vaccine you could mass produce. Now, you had such a vaccine in the Robert Koch Institute method, isn't that true?

A. The vaccine by the Robert Koch Institute was produced from the yolk tissue, that is, the yolk tissue was diluted in a salt solution, that was also a Cox vaccine but it was somewhat modified by Wolrab. Cox, however, and that was the original process, used the embryo as well as the yolk tissue, and we wanted to use that method because we could exploit more vaccine from his method and we could place more vaccines at the disposal of interested parties.

Q. Isn't it true that Professor Gildemeister was of the opinion that the technique used by the Robert Koch Institute was the superior technique, and was completely usable for the purposes of mass production typhus vaccine?

A. If the Robert Koch Institute had been able to produce vaccines on a large scale, the Behringwerke probably would not have been invited to attend a meeting. It seems, however, that they could not do that. They had to approach the Behringwerke who was in a position to do that.

Q. As a matter of fact, Dr. Demnitz, the Behringwerke could have also produced along the method of the Robert Koch Institute, couldn't they? They could have used excellent facilities of production to follow the other method, isn't that perfectly true?

A. You had better put this question to Prof. Bieling, since he had this view. It was his view that the Cox vaccine—that is the original method was excellent, and that we should stick to it.

Q Well, let's get one thing really clear. The only real difference between the Farben method of using the eggs as the base was the difference in dilution. The Farben was far more dilute and weaker than the Robert Koch method, so that you could use all your facilities of production to carry out the Robert Koch Institute method without even touching the Behringwerk method. Isn't that correct?

A If we had employed the Robert Koch Institute method, we could have obtained on the average twenty times as little vaccine. Our facilities, our equipment, would not have been extensive enough to fulfill all our demands. If I remember correctly, using this method, we were in a position to produce about twenty liters per month. That was at a time when Bieber, President Gildemeister, and Geheimrat Otto, on the 4th or 5th of May, 1942, visited us. Then I told these gentlemen, when they asked me about matter--and I think I remember that correctly--that following the method as it was employed by the Robert Koch Institute we would be able to deliver twenty, and at most, thirty liters per month, and that naturally was far too little.

Q Now, you have had an occasion to read your own report of that meeting, since 1941, and I may therefore ask you: Do you recall, with your memory refreshed from having re-read your own report, whether at the meeting you raised that very question that you couldn't produce enough unless you used the Behringwerke method?

A Yes, you are referring to the Harburg meeting are you?

Q I am referring to the 29 December meeting ... 29 December, '41.

A No, there was no mention of that.

Q Now, how do you explain the fact that if the only real merit in the Farben method, or the Behringwerk method, was that it could have even greater mass production than you could in the Robert Koch method, that that vital difference was never even mentioned at the meeting?

A You are now referring to the meeting of the 29th of December 1941?

Q Precisely.

A Well, on that meeting Prof. Cudicke reported on our vaccine. This report made a good impression.

Q Perhaps you didn't understand the question. I say, if the vital difference between the Robert Koch Institute method of producing the vaccine and the Behringwerke method was that you could have greater mass production with the Behringwerk method, how do you explain the fact that that difference was never even mentioned during the course of the meeting?

A Well, they all knew that. I told Gildemeister on the 22th of December and I told him exactly what I told Mrugowsky, that is, how we were producing the vaccine. We already talked about that before, didn't we?

Q Now, isn't it true that when Prof. Gildemeister summed up the sense of the meeting he stated they would now carry out comparative experiments or comparative tests, if you will, on the efficacy of the Weigel method and the Robert Koch Institute method, completely ignoring the Behringwerk method?

A Yes, Prof. Gildemeister, on the 29th of December, actually said, and I quote from my file memorandum: "Prof. Gildemeister pointed out that strains arising from the epidemics themselves were to be used and he was ready to deliver them. A testing scheme had been arranged with Mr. Mrugowsky within the near future a date will be fixed when those strains are to be taken over. In this experimental plan the Weigel and the Robert Koch vaccine was to be used. When we asked to also include the Behringwerk vaccine, Mr. Gildemeister said that he was not interested. In the later course of the conversation he found out that that was not a tenable point of view, and all the participants agreed. We then recommended that we ourselves establish contact with Dr. Mrugowsky so that our vaccine, too, could be incorporated into that test."

Q Now, after Prof. Gildemeister said that he was not interested in your vaccine, wasn't it only after you and your colleagues suggested that the Behringwerk vaccine be included that the meeting then decided to have comparative tests with all three vaccines?

A Yes. That is, a decision--or shall I say an order--by Ministerialrat Bieber. In one of these file memos it is stated--and I am referring to Mr. Lahn's memo--and I shall quote the passage: "Upon the request of Ministerialrat Dr. Bieber it is established that a large scale experiment is to take place, and that the Weigol vaccine as well as the Behringwerke vaccine is to be included."

Q Did he also say, Mr. Witness, that for this purpose Dr. Demnitz will contact Obersturmbannführer Mrugowsky, in that same report?

A In this report by Mr. Bieber it is stated that the vaccine now produced by the Behringwerk which is gained by chicken eggs is to be tested by an experiment as to its efficacy. "For that purpose Mr. Demnitz will establish contact with Obersturmführer Dr. Mrugowsky."

Mr. Bieber wrote that.

Q Was he in error when he wrote that? Was he mistaken as to what the agreement was?

A Well, how do you mean; how should it be in error?

Q Was it agreed at that time that you were in fact to contact Obersturmführer Mrugowsky in connection with these tests and experiments or did he just add that by himself?

A Ministerial Bieber said during the meeting: "Dr. Demnitz will probably then contact Mr. Mrugowsky," but that didn't happen.

Q Dr. Demnitz, then, on the 14th of January, some two weeks later, you sent the preparation to Buchenwald with a letter saying that it was in accordance with the agreement with the Waffen-SS at Kniesebachstrasse 43, isn't that so?

A Yes, I have that letter.

Q Do you recall the question, or shall I repeat it for you?

A Please repeat it.

Q On the 14th of January, do you recall having sent the typhus vaccine from Behringwerke to Buchenwald and referring in that forwarding to the arrangement made with the Waffen-SS at Kniesebachstrasse, 43, the address of Dr. Mrugowsky?

A I wrote the following. "With reference to various conversations of our gentlemen"--and that is to say the gentlemen of the Berlin office with the gentlemen of the Hygienic Office of the Waffen-SS, Berlin-- "we permit ourselves to send you free of charge by fast train typhus vaccine for fifty dosages, 7.25 cubic centimeters. That vaccine is concentrated and has double the concentration of the typhus vaccine which was sent before, that is on the 22d of December. In addition to the concentrated vaccine which we are sending you today and to the vaccines produced before, experiments with other vaccines are to be carried out." That is the content of the letter.

Q I had known that. When you sent this letter with the typhus vaccine, was that for the purpose of having it tested for its efficacy in accordance with the conversations you had on the 29th of December?

A I must state expressly that I did not have any conversation on the 22nd of December 1941, with Dr. Krugowsky about any experiments or test or any plans.

Q You must have misunderstood the question. I say the conference you had which you attended on the 29th of December, and where it was agreed to have comparative tests made. Now, I say when this shipment was made to Buchenwald was that for the purpose of carrying those tests out?

A I have explained this morning that I had to assume that this consignment was designated for this comparative test.

Q Thank you. Now, you knew your discussions in the 29 December meeting that your Behring vaccine had already been used on some three thousand persons in a typhus-congested area. Now, what additional proof or more accurate proof did you think you were going to get from these fifty doses you sent to Buchenwald?

A Cudicke had vaccinated three thousand persons. That was not an experiment or a test, it was usual application of a vaccine. Second, Gildencister mentioned that together with Krugowsky he had worked out a plan according to which he was to use lice vaccine together with his own chicken egg vaccine during a comparative test.

The following could be concluded from that course. (a.) The execution of the standard principle; (b.) tests under constant control. Third, it does mean a large experiment if together with a standard vaccine are applied four different vaccines 30 to 35 persons in each case who after wards in the endangered area under medical care.

THE PRESIDENT: Just a minute counsel. -t is time for recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

BY MR. HINSKOFF:

Q Dr. Demnitz, how often did you see Dr. Bieling during 1942?

A I believe I saw him only in August.

Q Now you know, Dr. Demnitz, do you not, that in May of 1942, Dr. Bieling spoke with Dr. Ding about the experiments in Buchenwald; you know that?

A Professor Bieling wrote me a letter.

Q Have you seen the affidavit of Dr. Bieling which is Defense Exhibit 9, wherein he states that he knew from Dr. Ding that artificial infection was involved in the testing at Buchenwald; that is Document No. 24, Lautenschlaeger Exhibit 9, in Defense Document Book 2. Are you familiar with that statement of Dr. Bieling's, at the bottom of the page, and top of page 3. The last line on the first paragraph of page 3, specifically mentions the artificial infection. Have you found that, Dr. Demnitz?

A Yes, I am just starting to look at page 3 now. I take note of it.

Q When you spoke to Dr. Bieling in August of '42, after Dr. Bieling already knew that artificial infection was involved in the test at Buchenwald, didn't he mention to you that the testing in Buchenwald had been conducted with artificial infection?

A In my letter of the 20th of January, 1947, I said, that Professor Bieling, -- I will have to look it up again.

THE PRESIDENT: Mr. Witness, there is no inquiry about a letter. The Prosecutor's question was whether or not when you talked to Dr. Bieling in August 1942, did he tell you that he knew people had been artificially infected with typhus.

A No, he didn't tell me that.

BY MR. HINSKOFF:

Q Now he did tell you did he not that Dr. Ding was the wrong person to trust with such experiments; isn't that so?—

A He said to me that the conclusions of Dr. Ding from these tests were not scientifically valid. They were incorrect.

Q Was he only referring to the conclusions or to the methods used?

THE PRESIDENT: Mr. Prosecutor, you had better inquire as to what he said, and then determine what he was referring to.

BY MR. MINSKOFF:

Q Can you tell the Tribunal, as best you can recall, just what it was Professor Bieling told you at that time about Dr. Ding's experiments?

A Professor Bieling told me that the fact that vaccinated persons had a fever for 10 or 11 or 12 days only while persons who had not been vaccinated, persons who were not protected, had a fever for 17 or 18 days, one must conclude that the vaccination was effective, but there were three vaccines, and one could discover no difference in quality among these three.

Berlin was obviously of the opinion that a certain difference in quality could be seen from the duration of the fever of 10 or 11 or 12 days. Everyone familiar with biological methods, knows that from such a slight difference in time, conclusions as to the quality of the vaccine may not be drawn.

THE PRESIDENT: Mr. Witness, please limit your answer as to what Dr. Bieling told you on that occasion. That is all the questions calls for.

A Yes, that is what he told me.

THE PRESIDENT: Very well.

A And he also said that the fact that two people, in spite of the vaccinations had died of typhus, did not justify any conclusion as to the quality of the vaccine, for these were just incidental and I agreed with him.

That is what Professor Bieling said to me. He said nothing about artificail infection.

Q Thank you. Now you recall in speaking to a member of the Prosecution staff, in January, '47, you recall explaining that the reason that you stopped sending vaccines to Dr. Ding, was because you found out that his methods involved artificial infection, from Dr. Bieling?

A I have already told you that I did not hear this from Professor Bieling.

Q Do you recall making the statement that the reason you stopped sending typhus vaccine to Buchenwald, Dr. Ding, was because you had found out from any source, that artificial infections were perpetrated at Buchenwald by Dr. Ding.

A I was not so informed by anyone.

Q Dr. Demnitz with respect to the 29th of December meeting referred to earlier, do you recall sending copies of that meeting to the defendants Mann and Hoerlein and Lautenschlaeger?

A I cannot remember that. I cannot remember that.

Q I show you NI 13580, which is Prosecution's Exhibit 1864, and ask you to look at the distribution list, and see whether that refreshes your recollection as to whom you sent copies of that meeting.

Mr. Witness, I think I have made an error. I think that is the copies that Dr. Zahn sent out, not you. I withdraw that question. I think it was Dr. Zahn whose copy that is.

A I was about to say that.

MR. MINSKOFF: It was my error, I am sorry.

Q Dr. Demnitz, is it true that in March, 1945, you destroyed the correspondence between the Behringwerke-Marburg, and the physicians Dr. Ding and Dr. Hoven of the Concentration Camp Buchenwald?

A I told Mr. von Halle when he asked me whether we destroyed anything - I said that because of a certain concern, a certain worry, we had destroyed pictures of Hitler, Swastikas and Flags, busts, etc, and also correspondence to a very limited extent, - correspondence with the SS, or Concentration Camp Buchenwald, and those were the accompanying letters to the records of the Yellow Fever tests. I also told Mr. von Halle at that time that I regretted exceedingly that we were so stupid as to do that because today we would be able to use these records to prove to you that everything happened as I have described it here.

Q Thank you very much.

THE PRESIDENT: Mr. Prosecutor, the examination in chief of this witness consumed 4 hours. You have already used 50 minutes in cross-examination.

MR. MINSKOFF: That was the last question.

THE PRESIDENT: Very well. Is there any occasion for any further examination by counsel for the Defense?

DR. PRIBILLA: Mr. President, I shall ask nothing either. I don't want to be outdone by the Prosecution as to brevity. I should like now to offer my Document Book 1.

THE PRESIDENT: May I ask before you do that, - I take it there is no other interrogation by any other of Defense Counsel. If I am in error please hold up your hands.

There is no indication, and you may proceed, Dr. Pribilla, with your documents. You will not need this witness any more, I take it.

DR. PRIBILLA : No.

THE PRESIDENT: Then, Mr. Witness, you are excused from further attendance.

DR. PRIBILLA: Mr. President, I should like to offer Lautenschlaeger Book No. 1 at this time. I admit that this is mostly testimony of the co-workers or Scientific colleagues of client's in Germany and abroad, dealing with his person, and his general attitude. I shall, therefore, not spend too much time on them. I shall not give any extensive quotations, I should like to recommend these documents to the attention of the Tribunal, as I offer them in evidence.

First of all, Document No. 1 which will be Exhibit No. 17. This is on page 1, an affidavit of Dr. Max Bockhuesl, who was under Lautenschlaeger, the head of a Pharmaceutical Department in the Hoechst plant, and during the entire war he worked very closely together with Lautenschlaeger. Then Document 2, page 5, will be Exhibit No. 18. It is an affidavit of Dr. Slivensky, specialist on malaria and tropical diseases, Sofia, Bulgaria.

On page 9 you will find Document 3, Exhibit 19, which is an affidavit of Dr. Guenther Gorr.

On page 11, Document 4, Exhibit 20, which is an affidavit of Dr. Karl Holdaenke.

On page 13, Document 5, Exhibit 21, an affidavit of the Secretary for Mr. Lautenschlaeger, Hedwign Schuhmacher.

Page 15, affidavit of Walter T. Harrison, Medical Director U. S. Public Health Service in Washington. This is Exhibit 22, also about the person of Dr. Lautenschlaeger.

Page 17, document 7, Exhibit 23, an affidavit of Hans Fleischnacker, Pathologist at Shenly Hospital in Longmead, England. It gives a description of Professor Lautenschlaeger and his attitude toward Jews in the Third Reich. A very favorable opinion. I shall quote the final sentence:

" I hope that my opinion is correct and will be considered important as one of the many Jews whose friend he was, whose family or the majority of it was murdered by the Nazis, and who still believe in the victory of Justice and mercy.

Page 20, document 8, Exhibit 24, an affidavit of Professor Dr. L. Fraenkel, Montevideo, Uruguay. I shall quote briefly:

"Before 1934 I was Professor and Director of the University Hospital for women in Breslau. In 1934, I was removed from my position as Professor by Hitler's Ministry Dr. Rust, for being Non-Aryan. and somewhat later I turned to Professor Lautenschlaeger, with the request that he help me with my journey because of his firm's connection. Professor Lautenschlaeger thereupon, by calling upon the Farben scientific representatives abroad, helped me to establish connections with scientific firms and hospitals in almost all countries in the world.

Page 20, document 9, Exhibit 25, affidavit of Dr. Peter Peiser-Frey, in Basle. He worked with Professor Lautenschlaeger for a long time. I shall quote one sentence from page 2, in the third paragraph:

"On the other hand, as far as science and especially clinical tests and introduction of new preparations in hospitals were concerned, he was not willing to accept any compromise solution; on the contrary, he always showed the greatest sense of responsibility and duty and he also transferred these feelings to his co-workers."

On Page 25 you will find Document 10, Exhibit 26, an affidavit of Henri Michalson, who also speaks about the assistance that Professor Lautenschlaeger gave to her and her father during the persecutions in the Third Reich.

Page 27, Document 11, Exhibit No. 27, affidavit of the Pastor Hans Giebner, Frankfurt/Main-Hoechst. He describes a few cases in which he, himself, and other authorities of the Evangelical Church helped the foreign workers and took risks upon themselves. On Page 2 at the bottom, he says, "I reported all these events to Professor Lautenschlaeger. He took note of them with great appreciation, and this appreciation of his and the fact that he, in his high position of Betriebsfuehrer (plant leader), backed me up in my attitude, meant a great encouragement for me."

The next document is No. 12. I shall not introduce it at this time.

There follows Document 13 on Page 33. It is an affidavit of Dr. Paul Giessler, to which I assign the Exhibit No. 28. He is the former head of the Mainkur Plant of Farben.

Page 35, Document 14, Exhibit No. 29, an affidavit of Alfred Hagenboecker, who during the war was the head of the Offenbach Plant of Farben. The plant was one of the Maingau plants. He emphasizes that Professor Lautenschlaeger took a special interest in the foreign workers and ordered additional food be obtained. He also emphasizes the exemplary medical care, and writes on Page 2, in the third paragraph, "During his visit at Offenbach, Professor Lautenschlaeger did not content himself with my reports on the small

number of foreign workers, about 100 to 150, who were employed there, but informed himself personally about the state of the camp."

Page 39, Document 15, Exhibit 30, an affidavit of Dr. Gustav Erhart.

Page 41, Document 16, Exhibit 31, an affidavit of the plant doctor, especially about the person of Professor Lautenschlaeger, and the question of the foreign workers.

Page 45, Document 17, Exhibit 32, an affidavit of the plant doctor, Elisabeth Kuhn.

Page 47, Document 18, Exhibit 33.

The next is Page 48, Document 19, Exhibit 34, an affidavit of Josef Flach.

The next document is also from him. This is on Page 49, Document 20, Exhibit 35. Mr. Flach was the head of the Department of the Hoechst Plant which, among other things, was in charge of paying out the distributions which had been authorized by the Vorstand. He speaks about the donations to charitable organizations, churches, and so forth which he says amounted to up to 40,000 marks annually, and the contributions to the Party for Winter Relief were about 2,000 marks a year.

The next three documents, 21, 22 and 23 are offered as Exhibits 36, 37 and 38. They show that in 1939, no one at the Hoechst Plant thought of war; that foreign visitors were received and informed about the newest developments in the scientific field in the most frank and friendly way.

This concludes the presentation of my Document Book I. Book II has also been fully introduced. This completes general matters and the Marburg subject. There remains medical questions of the Hoechst Plant which produced drugs, and Document Books III and IV will deal especially with these charges concerning Hoechst. I shall offer these books to the Tribunal as soon as the translation is finished; at least, before the proposed trip of Judge Crawford,

a representative of the prosecution and the defense, to Switzerland to examine the witness, Julius Weber. I am finished for today.

THE PRESIDENT: I think it's proper to remind you that you have offered the Document 36 in your Book III as your Exhibit 1 for identification, so that you don't now become confused; also in Book IV, Document 54 as your Exhibit 5. In addition to that, you have also offered an Exhibit 7 and an Exhibit 8 which are to be processed and supplied to the prosecution and to the Tribunal.

DR. PRIBILLA: Yes, Mr. President, that is quite correct.

THE PRESIDENT: That is all now, Dr. Pribilla?

DR. PRIBILLA: Yes.

THE PRESIDENT: Very well. Dr. Wagner, are you ready to proceed?

DR. WAGNER: Yes. (Wagner for Dr. Wurster) Mr. President, Your Honors, with your permission, I shall make a very brief preliminary remark. It is quite natural in a trial affecting 23 defendants, for the defendant whose turn is so late as mine to run the danger of presenting repetitious material. We do not wish repetition because we know what that means for everyone concerned. We shall, therefore, endeavor to avoid it wherever possible. If it should occur in spite of our efforts, we believed that it was necessary to explain the subjective facts. I should like to ask your indulgence in advance if a repetition should occur for this reason.

We intend to present our case in the following way. We shall ask for your permission to call Dr. Wurster to the witness stand. Subsequently, we shall ask for only one witness, and then we shall present our document books. During the direct examination, we shall introduce a very few documents in order to make the picture clearer, but most of our documents will be introduced after the examination. May I now ask the Tribunal whether they have the English translation of our document books?

THE PRESIDENT: I am advised, counsel, that we have Books

I and II.

DR. WAGNER: Thank you. That will be quite enough for today. I believe that tomorrow you will have the other books

THE PRESIDENT: We have also, I think, your Book IV.

DR. WAGNER: Thank you. May I ask the Tribunal to call the defendant Dr. Wurster to the stand.

THE PRESIDENT: The defendant Wurster will take the witness stand.

THE PRESIDENT: Dr. Wurster, would you please remain standing, raise your right hand, say "I", and state your name for the record.

THE WITNESS: I, Karl Wurster --

THE PRESIDENT: Now repeat after me the oath -- swear by God the Almighty and Omniscient that I will speak the pure truth and that I will withhold and add nothing.

(The witness repeated the oath)

You may be seated.

DIRECT EXAMINATION

BY DR. WAGNER:

Q. Dr. Wurster, will you please, for the record, give your full name, year and place of your birth.

A. Karl Wurster, 1900, Stuttgart.

Q. What month?

A. 2 December 1900.

Q. Stuttgart in Württemberg?

A. Yes.

Q. First of all, Dr. Wurster, I should like to ask you very briefly to tell us about your career. An affidavit of your's is in our document books, so that we need not go into detail. What is your profession?

A. I am a chemist.

Q. Will you please pause. You know the circumstances. When was the first practical contact that you had with chemical industry?

A. That was in the first year of my studies -- 1919. It was not very easy for me to finance my studies, and therefore I had to attempt to do away with difficulties by earning additional funds. I tried various factories for such an opportunity, and among others I got an offer from the Badische Anilin and Soda Fabrik. I followed up this offer and in 1919, for the first time, and again in 1920 and 1921, during my summer holidays, I spent two or three months in this factory as a laboratory worker.

Q. Do you have any special recollections of that time?

A. Yes, certainly. I learned a great deal about chemistry during this time -- especially manually, in addition to what I learned at the university. Perhaps an even stronger impression was that of the first contact with the factory workers, because I lived with these people all day long -- I ate lunch with them, and these impressions were especially strong. In the last year, 1921, I had the strongest impression from being a witness of the big explosion. I was in the plant at the time. I was in an analytical laboratory and consequently participated in the investigation of this catastrophe. I was greatly impressed at that time by the enormous social efforts made by this plant in combatting this catastrophe. On that occasion I also had my first impression of Bosch. At the memorial ceremony for the victims -- there were almost six hundred killed -- Bosch made such a speech that I formed my enthusiasm for working in industry. I remember how strongly he brought out how difficult our struggle with nature is -- that one must not lose courage, even if one was standing, as he at that time, in the ruins of a factory. This impression has recurred to me now because exactly twenty-five years later, on 21 September 1946, I spoke at the same graves myself -- this time as the manager of a plant that was in ruins.

Q. Dr. Wurster, when did you take the university examinations?

A. The state examination in 1921, and the doctor examination in the beginning of 1923.

Q. And after your examinations, what did you do?

A. I was a university assistant until the end of 1923. Then I finally decided to go into industry. Conditions were not very simple because of the inflation and this decision was relatively easy for me. Then, in January 1924, I went to the Badische Anilin and Soda Fabrik as a chemist. The Tribunal is aware that this is one of the founding firms of I.G. Farben industry.

Q. How old were you then?

A. I was twenty-three.

Q. Dr. Wurster, would you please briefly describe to the Tribunal your work and your career in the Badische Anilin and Soda Fabrik. Perhaps you will begin by telling what your work was at first.

A. I began, as I believe almost all young chemists do, as a laboratory chemist. That is doing laboratory work, sometimes of a scientific nature, but always with an industrial aim. I continued this work for several years. I was fortunate enough, I may say, to have some success in this work which led to several inventions, so that after about three years, for the first time, I followed up my own laboratory work into the experimental stage and then into production. That was about 1927 or 1928. I was in part a laboratory chemist and part in the production end. But I remained in this scientific technical laboratory until 1930 -- about six years.

Q. And from 1927 to 1930-31, what did you do during this time?

A. As I have already said, transferring the experiments on a large scale, I had a small plant and the workers and everything necessary.

Q. You were speaking of inventions. Did you yourself make any inventions?

A. Yes, especially during these six years. I had a number of personal inventions.

Q. In the inorganic field?

A. Yes, all in the inorganic field.

Q. And these inventions were patented?

A. Yes.

Q. Were these patents exploited?

A. Yes.

Q. Are they of any importance today?

A. Yes, to a large extent these processes are still in use today.

Q. Will you please continue in the description of your career.

A. Around 1930 I was in charge of a plant group of about one hundred workers and then at the end of 1931, December 1931, I received the somewhat surprising news that I was proposed as head of the inorganic department of the factory, because my predecessor was to

retire on 1 January because of his age. There was to be a transition period of about two years for me to become acquainted with the work fully. Then, in the beginning of 1932, I took this up in a very practical way. I put on overalls, and studied one operation after another from the ground up.

Q. I believe that is sufficient. What did you do after that?

A. In 1932 I became deputy department chief of the inorganic department which had been taken over temporarily by another director and after this man retired, according to plan, I became department chief in 1934 -- the beginning of 1934.

Q. Under what circumstances did you take over this department?

A. When I received the assignment at the time, at the end of 1931, the circumstances were very difficult. I can remember very well the Vorstand telling me, "You will not earn any laurels here." We were in the middle of the depression. People were being dismissed and there were all sorts of difficulties. The circumstances were certainly not easy.

Q. You said that in 1934 you became independent department chief.

A. Yes.

Q. Did this appointment as department chief have any influence on your position otherwise in the plant?

A. Yes, I received prokura. I believe it was in April 1934.

Q. Then if I calculate correctly you were thirty-three years old at that time?

A. Yes, that is right.

Q. That was in 1934, one year after the National Socialists seizure of power. Did this political change have anything to do with your promotion?

A. No, I have already told you that the decision was made at the end of 1931. I know that very well because it happened to be on my birthday.

Q. Now, what was your further career?

A. I remained department chief of the inorganic department of the Ludwigshafen Plant until the end of 1937. In 1936 I became titular director.

Q. Titular director--that means that you were a procurist from the legal point of view, but were justified in using the title "director"?

A. Yes.

Q. Will you please give us a picture of your responsibility between 1934 and 1937.

Q Will you please give us a picture of your responsibility between 1934 and 1937?

A The management of the inorganic department included the duty of directing all the production of this department, together with all the co-workers, plant managers and so forth. Connected with it there was an inorganic research department employing a few chemists. I was informed about their work. When I gave up the department, in 1937, it had about eight hundred employees. That will give you some idea of the size. These eight hundred persons were in approximately thirty or perhaps forty operations. That is about the volume within the factory. I had, of course, certain social welfare tasks in this position, with the restriction that they came to me as instructions of the personnel department and the Vorstand. But even at that time I was very busy with this work.

I may say that at the end when I gave up this department I knew all of these eight hundred people personally, each single worker.

Q What happened at the end of 1937?

A At the end of 1937 I was informed that the two senior technical Vorstand members at the Ludwigshafen plant were going to retire and that it was proposed that, effective 1 January 1938, I should enter the Vorstand of I.G. Farben, specifically with the duty of managing the Ludwigshafen plant.

Q Did you immediately become a regular Vorstand member?

A No, I became first a deputy Vorstand member and by the middle of 1938 -- I believe it was in June -- I became a regular member.

Q During the time when you were told that you were to become a Vorstand member of I.G. Farben were you a member of the NSDAP?

A No.

Q You said that at the middle of 1938 you became a regular member of the Vorstand?

A Yes.

Q I must call your attention to Prosecution Exhibit 385, NI-10044, Book XV, English page 16, German page 17. This is the affidavit of a Mr. Baessler to the effect that you were listed as a member of the Working Committee for 1938. How can that be reconciled with the fact that you were only a deputy Vorstand member?

A That was a mistake on the part of Mr. Baessler. I was at one meeting, on the 17th of April 1938, as a guest and I believe he said that here in cross examination. I remember the subject very well. On the agenda of this meeting of the Working Committee there was a discussion about the various technical contractual obligations between the I.G. Farben industry and the Metallgesellschaft. In this field, especially, we had obligations connected with sulphuric acid and Mr. Bosch had taken a great deal of interest in it. He said to me: "Won't you come in for this discussion so that you can hear what is said and perhaps give us your opinion?" That is why I attended this meeting as a guest, for this one specific point.

Q Now, to come back to your appointment as Vorstand member of I.G. Farben, you were at that time thirty-seven. That must have been a big chance for you in view of the great responsibility. What do you have to say about that?

A Yes, that is true. It had a great influence on my personal and professional life and I quite realized the great responsibility at the time.

Q As a member of the Vorstand did you have work that

was very different from your previous work?

A Yes.

Q What were your duties now?

A I have already told you that I became a plant leader. I believe that I do not need to go into the significance of the position of Betriebsfuehrer, according to the law regulating national labor. That has been repeated here several times. That was most of my work but, at the same time, I was still in charge of my former department, the Inorganic Department. It was among my responsibilities. I had a department chief appointed for it, the same man who from 1934 to 1937 had been my deputy as procurist. He became director and department chief of this department, but I kept informed about everything important that happened in the Inorganic Department and, occasionally, I intervened personally.

Q I am especially interested in your function as plant leader.

A Well, in the beginning I felt that it was a mountain that was confronting me. Overnight I suddenly had, instead of 800 people, about 25,000 to take charge of. For everything connected with the social welfare of such a number of employees I had full responsibility. I was quite aware of this.

Q Were these completely new duties for you, as far as the extent and degree of responsibility are concerned, in connection with workers and employees questions?

A Yes, to a large extent. I have already said that in the beginning that was something of a sideline, but I had to become acquainted with this field. I did something similar to what I had done in 1932. I tried to study the departments connected with social welfare. Since I am a chemist, these

were matters that were rather strange to me. At that time and during all the time that I was there, the positions were held by very reliable experts but in the last analysis I had the responsibility.

Q Dr. Wurster, how was the Ludwigshafen plant composed from the social point of view?

A In 1938 we had about 18 to 19 thousand workmen, about 4 to 5 thousand office workers, and over a thousand academic employees. With office employees I mean the technical men, commercial men, foremen, and by academic employees I mean the chemists, physicists, engineers and so forth. The factory had an unusually interesting intellectual level, quite rare actually; but this involved tasks that were not too simple, because such people are definite individualists, and have to be treated as such.

DR. WAGNER: Your Honors, before I present the next question, I should like to show you a plan of the plant which we have already mentioned, as Wurster Document 1, Exhibit 1, for identification. I should like to put this plan into evidence now.

Q Will you please, Dr. Wurster, give the Tribunal a picture of the extent of the Ludwigshafen plant of Farben with its 25,000 employees and what the geographical extent of the plant was. Do you have the plan?

A I have it here and in my head.

Q That is even better.

A The plant is on the Rhine, on the left bank of the Rhine, on the Rhine quay of about three miles. That is the length of the plant altogether. The depth is about one mile. I shall give only a few figures which will give you an idea.

In the plant there were about sixty miles of normal

railroad tracks; and another figure -- we had a fuel consumption of about eight thousand tons a day, when the plant was operating at full capacity. There were about two thousand buildings, and from the point of view of organization it consisted of a large number of departments, production, research and administration departments.

That, in a very few words, is the structure of the plant.

DR. WAGNER: I believe we will introduce at this point an organizational chart of the Ludwigshafen plant as document, Wurster No. 3, Exhibit 2. This chart belongs in Document Book I, page 25.

Q Dr. Wurster, will you please explain, very briefly, this organizational chart?

A The chart shows what I have just said. In the middle you see a long group of production departments. The three figures in each box indicate the number of employees. The first figure is the number of academic employees; the second indicates technical and commercial employees, etc., and the third figure, the workers. The first figure shows departments listed are the social worker departments directly under me, and the third row are the technical departments which supported production, repair work, traffic department, purchasing department, etc. That very briefly.

I believe, that judging from the figures, the chart is from the year 1941. The number of employees is 28,000 employees, more than I said for the year 1938.

Q I believe that is sufficient. Are these heads of production, as far as they were heads of departments, selected from the view of Party politics?

A No, I never knew whether the individuals were Party members or not. I was never interested in that. They were selected exclusively for their ability and their character, and when the questionnaires came out after the capitulation, we discovered that of the heads of all the production departments including the big engineering department which represents about 80% of the factory, there was only one Party member out of 37 people. All the others were not in the Party at all. After the collapse there were no difficulties.

Q I now come to your functions as plant leader which you touched upon briefly before. You have already said that you continued to watch over the individual departments. I should like to bring out just one department, for example, the social welfare department. What duty did this department have?

A Actually it had the assignment of taking care of all the

employees, not only in what was prescribed by law, but what was to be done in addition to that. In the course of this trial, it has been pointed out repeatedly that the voluntary social achievements of our plant were of very great significance. For our Ludwigshafen plant there was one question which was of special significance in this connection. We are an old factory, almost 85 years old, and the plant employees are attached to tradition. It was customary for the foreman and the worker to come from one generation to the other, so we have many families of the fourth generation working for us now. We felt that we had a great obligation to take care of these old people, and therefore there were over 10,000 people drawing old age pensions, and I always included them among the family employees because they were largely dependent upon us.

Q Can you give me any figures giving a picture of how many employees you have who have worked in the plant for a certain number of years? For example, do you know how many employees have worked for 15 years or more for you?

A We were talking about that the other day, and came to the figure of 8,000 workers who have been with us for 15 years or more.

Q To what extent did you, as plant leader, have any special work in connection with this question?

A I have already said there were expenditures involved. I spoke of the obligations imposed upon us indirectly by these people drawing old age pensions. They had plant homes, gardens, etc., from us. I was very interested in the subject. A person who works actively in a factory today and who sees how his father and uncle are treated, has an entirely different attitude toward the factory if he knows that the factory is loyal to him when he cannot work.

Q Do I understand you correctly, Dr. Wurster, that the employees who spent a certain number of years in your plant received a pension similar to that received in Germany by old age pensioners of

the State, and other public agencies.

A Yes. It was a thing which involved a great deal of work.

Q But, in addition to your capacity as plant leader you had special people in charge?

A Yes. Experts were heads of the departments, as chemists, physicists, engineers, lawyers, economists, and of course I was very dependant on their advice and their cooperation, especially in matters outside my own profession as a chemist.

Q You also spoke of homes and gardens which were made available to the employees. Can you give us a picture of this?

A We of necessity, had a large number of homes for people who had to live near the plant. I was one of them. I lived 50 meters away from the factory. In addition to that we had thousands of homes in the neighborhood -- of the so-called PFALZ -- within a radius of about 50 kilometers, but every fourth employee lived in a home which belonged to the plant and for which he had received a loan which he was able to pay off gradually. It was our aim that every third employee would get such a home.

Q Dr. Wurster, in your administrative work how did you spend most of your working time, at the desk or in the factory?

A In the factory, Mr. Wagner. I never liked desks or paper. It is only in this way that one can get a real impression of the life of a factory worker. I spent most of the day in the factory getting impressions, giving suggestions, etc., and I spent a minor part of my day at the desk.

Q And how did you take care of your mail?

A There was, of course, a great deal of mail which came to me because as a leader of such a large plant one received a great many letters. When an old pensioner wanted her rent lowered she thought that the best thing to do would be to write to the boss. My secretary was the former secretary of Professor Bosch. I had unlimited confidence in him and he had to open all my mail, read it,

distribute it, and decide on his own what he wanted to show me. It was only in this way that I could take care of everything without being overwhelmed by it.

Q Another question. How were letters handled at Farben for example, when your name is only on the distribution list. Did you see these letters? I should like to give as an example Prosecution Exhibit 1319, NI 4693, Book 68, English page 31, German page 31. This is one of the many Farben circular letters of 14 pages. Have you found it?

A Yes, that's a typical example of a letter which I would not have seen. You questioned me about this letter once before, and I looked it over carefully. I found one passage in it, point 4-a. I am giving this only as an example because our factory is mentioned in a labor question but, in that case my personnel department might have called this matter to my attention. Perhaps with a comment, perhaps not. But, to read a document of 14 pages was impossible for me under the circumstances.

Q Am I right, if I say that if your name appears on the distribution list, this does not prove that you actually saw the letter or learned of it?

A No, that does not prove it, otherwise I would not have been able to do any production work.

THE PRESIDENT: The Tribunal will rise until 9:00 o'clock tomorrow.

(The Tribunal adjourned until 0900 hours, 9 April 1948).

CERTIFICATE OF COMMISSIONER

Under directives of United States Military Tribunal No. 6, testimony of witnesses listed below was required to be taken before the undersigned Commissioner. Pursuant thereto the said Commissioner has conducted hearings at which the following witnesses have fully testified:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
→ 8 April 1948	Walter Warlimont	10875-10907
9 April 1948	Kurt Krueger	11128-11163
12 April 1948	Karl Weber	11165-11175
12 April 1948	Paula Ester	11177-11199
13 April 1948	Ernst Struss	11293-11338
14 April 1948 &	Christian Zahn	11444-11490
15 April 1948	" "	11587-11612
16 April 1948	Bernhard Schoener	11706-11723
19 April 1948	Adalbert Feindal	11827-11841
20 April 1948	Josef Grobel	11842-11860
20 April 1948	Gustav Pistor	11861-11878
21 April 1948	Emil de Haas	12098-12128
21 April 1948	Heinrich Schuh	12129-12140
23 April 1948 &	Heinrich Schindler	12337-12370
28 April 1948	" "	12707-12777
26 April 1948	Walter Kikuth	12461-12498
26 April 1948	Hans Sauer	12500-12512
27 April 1948	Wilhelm Duellberg	12598-12621
29 April 1948	Theo Goldschmidt	12871-12909
29 April 1948 &	Anton Reithinger	12910-12953
30 April 1948	" "	13075-13092
29 April 1948 &	Rudolf von Spretty	12954-12960
30 April 1948	" "	13065-13075
30 April 1948,	Rudolf Schmidt	13093-13133
5 May 1948 &	" "	13620-13629
6 May 1948	" "	13651-13719
3 May 1948	Wolfgang Alt	13246-13269
3 May 1948	Carl Gadow	13271-13291
3 May 1948 &	Kurt Hartmann	13292-13316
4 May 1948	" "	13412-13450
4 May 1948	Fritz Dion	13450-13460
4 May 1948	Kurt Eisfeld	13461-13479
4 May 1948	Adolf Taub	13480-13489
5 May 1948	Ernst Struss (for Pros.)	13566-13619
6 May 1948 &	Werner Schmitz	13720-13735
7 May 1948	" "	13861-13891
10 May 1948	Max Winkler	14173-14181
10 May 1948	Fritz Hirsch	14195-14209
10 May 1948	Ernst Kraschewski	14210-14220
10 May 1948 &	Franz Fuerstenberg	14221-14245
11 May 1948	" "	14377-14384
11 May 1948	Heinz Savolsberg	14387-14424
11 May 1948	Karl Runscheidt	14425-14439
11 May 1948	Reinhold	14440-14455
10 May 1948	Friedrich Selcher	14482-14494


During the said proceedings the following exhibits have been offered in evidence:

PROSECUTION EXHIBITS

<u>Exhibit</u>	<u>NI No.</u>	<u>Official Transcript</u>
2302	PS 2353 C	10899
2303	L79	10904
2304	14036	11145
2305	14034	11182
2306	15070	11183
2307	14236	11302
2309	14232	11312
2311	15062	11327
2312	15063	11330
2314	14257	11468
2315	13524	11473
2316	14256	11473
2317	14251	11485
2318	14252	11476
2319	14014	11482
2320	14039	11834
2321	13084	11848
2328	10532	12615
2329	10528	12616
2323	10907	12706
2330	13525	12733
2331	15021	12878
2332	3763	12915
2333	15145	12921
2334	15146	12923
2335	8647	12927
2336	15132	12933
2337	1514	12942
2338	14098	13106
2339	13534	13111
2340	15215	13126
2341	15260	13620
2342	15173	13286
2345	7637	13728
2346	7666	13730
2352	15290	14382
2353	15296	14392

I, the undersigned Commissioner, do hereby certify that the aforesaid official transcript pages comprise a full, true and correct report of such proceedings, testimony and evidence heard and recorded therein before me.

Dated at Nurnberg, Germany, May 28, 1948.


 JOHNSON T. CRAWFORD
 Commissioner of Tribunal No. 6

Official Transcript of Hearing before a Commissioner for Military Tribunal VI, Case VI, in the matter of the United States of America against Karl Krauch, et al, defendants, sitting at Nurnberg, Germany, on 8 April 1948, Commissioner Johnson T. Crawford, presiding.

THE MARSHAL: The Commission for Tribunal VI is now in session. There will be order in the Courtroom.

THE COMMISSIONER: The record will show that this is a hearing by the Commission of Tribunal VI for the purpose of cross examining witnesses called by the Prosecution.

Is the Prosecution ready to proceed?

MR. ALDHAH: If Your Honor please, this particular witness is a Defense affiant, General Warlimont, who has submitted an affidavit on behalf of the Defendant Krauch, the affidavit being identified as Krauch Exhibit 32, being Krauch Document 62. I might suggest to Your Honor in accordance with the past practice when a Defense affiant has been produced, the attorney for the particular defendant examines him and the Prosecution undertakes to cross examine.

THE COMMISSIONER: Fine. Then, is the Defense ready to examine the witness? All right, the Marshal will call the witness.

DR. BOETTCHER: Dr. Boettcher for the defendant Krauch.

If the Commissioner permits, I shall call Warlimont, former General of Artillery on the witness stand.

THE COMMISSIONER: The witness will raise his right hand and repeat after me:

I swear by God the Almighty and Omiscient that I will speak the pure truth, that I will withhold and add nothing.

(The witness repeated the oath).

You may be seated.

QUESTIONS BY DR. BOETTCHER:

Q. Witness, would you for the record please give us you full

name and your present residence.

A. My name is Walter Warlimont, and I am now staying in the Prison of Huesenberg.

Q. Witness on 20 December 1947 at the instigation of the Defense of the Defendant, Dr. Krauch in the Farben case you gave an affidavit which became important in presenting evidence for Dr. Krauch as Exhibit Krauch 32. When you arrived just now I handed you a copy of this affidavit. I don't know whether you had an opportunity of re-reading it again.

A. Only in parts.

Q. Well, if you haven't, would you be kind enough to do that now and then tell us whether there is anything you want to change or add in this affidavit of yours.

A. Certainly.

I have just re-read my affidavit and there is nothing else I could add.

DR. DOETCHER: In that case I have no further questions to put to the witness and he is at the disposal of the Prosecution for cross examination.

THE COMMISSIONER: The Prosecution will proceed with the cross examination.

CROSS EXAMINATION

QUESTIONS BY MR. ALCHAN:

Q. Witness, when did you first meet Dr. Krauch?

A. At the end of the 20's; in the Spring of 1927 I had been transferred as General Staff officer to the Army Ordnance Office.

Q. And was that when you first met Dr. Krauch?

A. To the best of my knowledge, yes.

Q. When did you first have official contact with Dr. Krauch?

A. I don't think that I had any immediate official contact with him.

Q. In 1936 did you come into any official contact with Dr. Krauch?

A. I don't think so.

Q. Did you come into contact with Dr. Krauch while he was an official in the Four Year Plan in the office of the Four Year Plan?

A. No, the Four Year's Plan was established as late as Autumn 1936 at a period of time when I had left what was known as the War Economy Offices of the OKW.

Q. Well, during the entire period from 1936 through 1939 when Dr. Krauch was engaged in performing his tasks under Goering in the office of the Four Year Plan did you have any discussions with Dr. Krauch in connection with any of your official matters?

A. All I can repeat is that I had no official contact with Dr. Krauch at all, least of all, in that period of time because in the second half of 1936, I was in Spain. In '37 and '38 I was in charge of an Artillery Detachment, then of an Artillery Regiment and when in the Autumn of 1938 I returned to OKW I took over the Detachment for Home Defense which had nothing to do with any Economic problems.

Q. Did you have anything to do with Economic Military preparations from the end of 1938 up to September 1, 1939?

A. No, apart from the obvious contact which the agencies of the OKW kept up with one another, that is to say, my own agency, I was then in charge of Home Defense, it became a matter of course that occasionally I collaborated with the War Economy Office under General Thomas.

Q. In connection with your collaboration with General Thomas' Office of War Economy, did you discuss at any time during that period production programs, construction programs with Dr. Krauch?

A. No, that was not my task.

Q. After 1939 did you ever discuss anything with Dr. Krauch?

A. No.

Q. Is it a fair statement then to say that during the period of 1936 down to 1945 that you had nothing to do with Dr. Krauch? Is that a fair statement?

A. In that period of time, I am quite sure that I heard Dr. Krauch's name mentioned, but I am quite certain that in those ten years I never saw him even and our first encounter took place here in this building.

Q. In your affidavit, witness, you referred to the fact that in the Spring of 1939, you went to the United States as a German Army Officer to study its plans and preparations for industrial mobilization. Now, were you sent there in an official capacity?

A. May I say first that it wasn't in the Spring of 1939 but in the Spring of 1929.

Q. That is right, 1929. That is what your affidavit says.

A. I think I made it quite clear in my affidavit that this was certainly not a private trip. On that case as in any other cases I obeyed the orders given to me by my superiors who after very careful preparations between the German and American Ministry of War arranged by the then Military Attache in Berlin, Colonel Conger, ordered me to contact the United States Army.

Q. Did you have any written instructions as to who to see in the United States?

A. I had instructions to study the industrial mobilization of the United States Army. I also had instructions for that purpose to report to the German embassy in Washington, Massachusetts Avenue, which I did on the very first day of my arrival. The official at the embassy who dealt with military matters contacted the liaison officer of the American War Department, Colonel Robert Feil, and an appointment was arranged for that day or the next in order to define the details as to how to carry out my orders. Any written instructions, I did not have.

Q. Now, then, you state in your affidavit that the office of the Assistant Secretary of War handed to you printed regulations and directives for industrial mobilization. Do I correctly understand that to be your testimony?

A. Yes.

Q. Now, were those matters, printed matters that were handed to you by the Office of the Secretary of War; who in the Office of Secretary of War handed you those printed directives and regulations dealing with industrial mobilization, do you recall?

A. I am under oath at the moment, and therefore after 19 years I am scarcely in a position to say with absolute certainty who among the many officers of the Planning Branch in the agency of the Assistant Secretary of War handed me these printed matters. I think there were 10 or 12. The man who was most important to me in the Planning Branch was the then Major Donald Armstrong, who, as far as I know, is today a Major General in the United States Army.

Q. Now, would you please tell me just the circumstances surrounding the receipt of those directives. Did you ask for them, were they voluntarily given to you, what restrictions were put around your receipt and use of those directives, if any?

A. This is what happened. I stayed for a while with agencies of

the United States Army outside of Washington where I looked around. Colonel Foil whom I mentioned before who was the liaison officer of the War Department gave me permission to contact the central agencies, that is to say, the Planning Branch of the Assistant Secretary of War where I could then continue my studies. I went to the offices of that agency. This must have been, I think, in October or November 1929. The Liaison officer for that work was the present Major General Donald Armstrong, and people were kind enough to put him at my disposal. Our conversations needless to say concerned itself immediately with the problem as to how I could best proceed with my studies. We found on that occasion which I know beforehand that foreign officers would not be admitted to the industrial college which was part of that agency; but it was suggested to me to go as a guest teacher and give a few lectures at the industrial college. It was also suggested to me for that same purpose to contact the agency of the Assistant Secretary of War whenever I felt like it, and it was on that occasion that I could express my wishes for more detailed information on the work going on there. So, I was passed on from one department of that agency to the other, stayed there for hours or days, depending on the importance of the work done there; and then without my soliciting it, gave me the entire material as I describe it in my affidavit.

Q. Do I correctly understand you then, Mr. Witness, that the Office of the Assistant Secretary of War of the United States voluntarily and without your asking gave you printed regulations and directives dealing with the United States mobilization plans of the United States Army, do I correctly understand that to be your testimony? Can you answer that "yes" or "no"?

A. No, I couldn't answer "yes" or "no". You must permit me to refresh my memory and give my reply in accordance with my memory, if you think my testimony is important at all. In one or another case, those printed matters were handed over to me voluntarily. It may also

be that in certain cases, following up an oral conversation of these problems, I asked for them. In no case was I ever told that there must be a restriction in using these printed matters.

Q. Now, do I correctly understand then your testimony to be that there was nothing secret about the matters which were given to you by the United States Army officials, do I correctly understand that to be your testimony?

A. That is a question which was very much on my mind at the time, and I also expressed my surprise towards the American officers. What they replied was that that was entirely in accordance with the customs of the United States Army, but I should add the following. When I returned to Germany, a German private citizen visited me, and he requested me to write a pamphlet or book on my experiences thus gathered which I did, but as we soldiers used to do these things in Germany, and which was also in accordance with my obligation to my host country, I submitted my draft to the German military attache in Washington who I requested to ask the American Army whether it was all right with them for me to publish these things. This request was answered in the negative, and, of course, was never published.

Q. Now, then, you state in your affidavit that from the information you received from the office of the Assistant Secretary of War of the United States you used that as a basis for setting up the mobilization program for the German Army, is that right?

A. No, certainly not, nor did I ever say that.

Q. Well, then, did you model your mobilization program for the German Army after the plans and directives which you received during your visit in the United States?

A. As for my own work in that sphere, I should say first that a few months after my return from the United States, I became the chief of a battery in the artillery; and therefore, for two and a half years I had no opportunity of dealing with that sort of task. However, before

that, I had written down my more important experiences, and the last of the work in that respect was an analysis as to whether and to what extent the American system of mobilization could be adapted to Germany. When in 1933 I returned to Berlin into the Army Ordnance Office, it was my impression that the essential features of the American system had meanwhile become the subject of studies made by the German ordnance office.

Q. Do you know whether the mobilization program set up by the German Army followed the mobilization plan which you say you got from the United States military authorities in 1929, do you know?

A The German army until 1935 could only make studies and make plans in that respect because any possibility to contact industrial circles existed only to a very small extent because of the restrictions of the Versailles Treaty, but even apart from that, later on all that could be done was to adjust the American system to German conditions which was actually done.

Q Now, then, the final system of mobilization that the German Army worked out was that secret?

A Well, that is the whole difference which I mentioned before and which struck me so much in the United States. It was our custom that any work of that sort was regarded as secret. The expression, however, loses a little of its terror to civilians if you add that the industrial plans had to be known to a large circle of industrialists because after all they had to help in it.

Q Well, now, --

A The term "secret" merely means that you mustn't tell about it to people who are not connected with it.

Q Did you know whether your office, or any office of the German military, ever gave to an American officer or an American official copies of the mobilization plan, the same way that you received them from the United States?

A I cannot recall that I was ever asked for it, but I myself when I gave my lectures to the industrial college which I mentioned before --

Q Was that 1929?

A Yes, in 1929 and 1930. I spoke about everything which had been done in that field during the first world war, and which at that time was still of considerable importance to a foreign country or to a foreign army.

Q Maybe you don't understand my question, excuse me. What I am asking you is whether the industrial mobilization plans which the OKW and German Thomas' office prepared in 1935, whether those plans

were as readily available to the United States authorities as they made available to you the plans which you say you got from the United States Office of the Department of war?

A Of course, I understood your question, and I thought the first part of my answer indirectly amounted to my answering your question. And you interrupted me before I could continue.

Q Would you please try to answer it directly and not indirectly.

A Since I have no other facts at my disposal, that is the only way I can answer your question. My direct answer is that only yesterday I was given a declaration by the former military attache in Berlin who expresses that he had never asked me any questions in the years between 1935 and 1939 which I would not have readily answered, particularly in the field of industrial mobilization. I certainly would have allowed him to enter certain important works had he asked me to do so.

Q But the fact is that you did not permit any American officers to get any information from the period 1935 to 1939 about the mobilization plans of Germany, that is a fact, is it not?

A I thought I said the contrary just now. As far as industrial mobilization was concerned; as for the other field of mobilization, I am unable to give you any information.

Q Well, on industrial mobilization, to your knowledge, was the industrial mobilization plans ever given -- the German industrial mobilization plans -- ever made available to American authorities from the period 1935 to 1939?

A I can only give you information about the period of time between '35 and '36, as far as industrial plans are concerned because in 1936 I left General Thomas' agency. As until 1936 no printed plan then existed, they were about to be produced. I can, of course, remember no case that before that period of time an American officer had asked me to show him a plan of that sort which wasn't ready yet.

Q Now, with respect to the studies that you undertook in the United States, do you know, or do you recall, that the German military attache in the United States prevented any comprehensive investigations by German army officers as to the United States facilities, industrial-wise, because he was afraid that any investigations by German army officers in the United States would disturb his relationship, his good relationship with the United States? Do you know of such an attitude having been expressed by the German military attache in the United States?

DR. BOETTCHER (Counsel for the Defendant Krauch): I must make an objection here. I do not see what that question has to do with the subject matter of this witness' testimony. We are discussing here what the witness has said in his affidavit, but the things done by other German agencies in America is quite irrelevant.

MR. AMCHAN: If Your Honors please, the relevancy appears to us to be this. The witness testified of his contacting the German military attache in Washington, and that thereupon the German military attache introduced him to the United States Army officials who thereby facilitated his studies in connection with the mobilization plans that Army may have had. Now, then, the question I put to him is whether he knew that the German military attache had a contrary policy, namely, that German army officers should not undertake any investigations or studies of the United States industrial facilities, and so forth, and it seems to me it is very relevant on the substance of his testimony.

THE COMMISSIONER: Well, wait just a minute. Now, the Tribunal which appointed the commissioner doesn't give them authority to rule on objections unless it is things so widely out of the scope of the interrogation, or in order to keep order and so on; but it is right to make the objection, and then I will not rule on it; and, of course, he will answer or not answer, and then it will be taken up by the Tribunal when they come to consider the evidence.

DR. BOETTCHER: Vary well, Your Honor, that is the reason I wanted the record to show that the question just put now by the Prosecution seems to me to be irrelevant and seems to me to be outside of the topic discussed in the affidavit.

THE COMMISSIONER: All right, you may proceed, and the Tribunal will take care of that.

BY MR. AMCHAN:

Q Now, Mr. Witness, do you recall the last question I put to you?

A May I repeat your question briefly in order to be on the safe side. You wanted to know whether it was correct that the German military attache in the United States disliked the idea and even prevented the German officers from having insight into American industries and into any preparations for the mobilization of industry. My answer is that in 1929 there was no German military attache, nor did I ever say that the German military attache ever introduced me to anybody. What I said was an official of the embassy who was then appointed, a civilian, who introduced me to these places. Nor did the German embassy issue any directives at that time which would have limited or prevented or denied my studies because they were arranged with me between the two War Departments which was the decisive thing, and then with the Assistant Secretary of War. I was admitted not only to the agencies of the United States Army, but particularly to the industrial plants which were working under the policy of the mobilization of industry of the United States Army and where as such were of special interest.

Q Was there any industrial mobilization of the United States going on at that time that you saw?

A As I see it, the United States at that time were leading in that field in the whole world. I said, for instance, in my affidavit that in the agency of the Assistant Secretary of War, a volume was shown to me which contained a complete plan of mobilization

8 Apr 48-M-6-5-Perrin (Int. Kurtz)
Court No. VI (COMMISSION)

of that plant, started from the task it would have to fulfill in war-time down to the last design which was necessary for that task. I was even told that that plant -- I don't remember the figures -- some ten thousand or hundreds of thousands of dollars, was involved, and that it was particularly remarkable that the film brought up the expenses itself. And that should be an example for the whole of American industry, and that wasn't even secret.

Q Now the particular plant you are referring to, do you remember what kind of a plant that was? What were they engaged in manufacturing?

A I never visited the plant. I only was shown the technical plans of mobilization which were issued to the Assistant Secretary of War in Washington by that plant.

Q Well, doesn't the thing really come down to this: that you were told, as you say, that an automobile plant, for instance, could be converted for other uses in case of war? Does that come down to that?

A Well, that was not the reason why I was ordered to the United States. I knew that beforehand. What I wanted to study and had to study was what was being done.

DR. BOETTCHER: I would be grateful to the Prosecution if they wouldn't argue. They should simply ask questions.

MR. AICHAN: I thought I did put a question to the witness, but we will pass that up.

BY MR. AICHAN:

Q I am asking you, Dr. Witness, doesn't the thing in its essential come down to this: that what you refer to as mobilization plans in the United States was nothing more than general outlines that a plant, for instance, producing automobiles could if the occasion of an emergency warranted be converted for the production of essential war material? Isn't that essentially what the mobilization plans were that you are talking about?

A That is entirely incorrect. Perhaps I could add in a sentence here that I think there were two things which the United States learned from the first World War: first of all, that you can't improvise a war-trained army in one day. You must have time for preparation and you need officers. Secondly, industry must be prepared for along time in order to be ready in case of war. Basing themselves on those two premises, a plan of mobilization had been drawn up which took care of all the requirements of a United States army in the strength — but I don't

want to commit myself to a figure here -- of about four to six million men. The requirements of an army of that sort were laid down to the last car and the military agencies with whom I had contact regarded it as their task to fulfill such requirements of that army in peacetime and to draw up the necessary technical plans, even issue what they called the educational orders with which the industry was to work, so that in the event of war, production was clearly organized and would function as smoothly as possible. That was the whole point, and that was what I had studied.

THE COMMISSIONER: It might be that we should take about a fifteen-minute recess.

The Commission will be in recess for fifteen minutes.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE COMMISSIONER: You may proceed.

CROSS EXAMINATION - Continued

BY MR. ANCHAN:

THE WITNESS: May I rectify or rather supplement my statements in one certain point. Before the recess you asked me whether the publications I mentioned in my statement were placed at my disposal voluntarily by the agency of the Assistant Secretary of War or whether I had requested that they be placed at my disposal. My answer was that that varied. Now I do recall after we have discussed it now at length that I did not only get publications in the agency of the Assistant Secretary of War but also in the procurement agencies of the various branches of the United States Army, for instance, the Ordnance Department, the Signal Corps, the Chemical Warfare Service and even other agencies, and I was authorized to proceed to studies of the same nature for a few days and cut down the pattern of the field covered by these various agencies of the Armed Forces. In this connection I found out on various occasions that the officers of the American Army were rejecting my request for such

publications at first, but got information from their superiors as to whether they could give me these publications, and once they had received this authorization I regularly received the publications.

Q Now did I correctly understand you, Mr. Witness, to say that you saw a model of the mobilization plan and its technical aspects from which you were able to see what technical mobilization matters would have to be followed in order to raise an army of four and a half million? Did I correctly understand that to be the testimony?

A Well, the word "technical" has to be clarified a little bit there.

Q Before you undertake to clarify "technical", could you tell me in a general way is my understanding of your testimony correct, namely, that what was shown to you by the United States Army officials, as you say, were the plans for industrial mobilization in order to raise an army of four and a half million? In a general way is that correct?

A In a general way that is correct except for that figure of four and a half million. It is true that I said that I can't remember the figure exactly, but I believe it was something in the line between four and six million. That was the basis of the plan for industrial mobilization and the technical part which you have asked for now consisted of verbal instructions, information and these publications which explained to me how these military plans would then be transformed into industrial execution in order to: (a) procure within a short time limit the equipment for such an army, and (b) safeguard its supplies in case of war. Blueprints -- I mean actual blueprints in the sense of industrial work -- I saw only in once case, namely, in connection with the blueprint of a certain plant from Detroit where I have already talked about the matter.

Q Now to sort of close this phase of the inquiry, I want to be sure that I understand you. Is this the fact that when you went to the United States in 1929 and 1930 to make the studies and investigation of the American economic mobilization plans, you ascertained from

information voluntarily given to you by the United States Army officials that it had a mobilization program to mobilize industry sufficient to support an army of four and a half million men? Is that a fair statement? Is that what you learned from your trip?

A Except for that figure of four and a half million, which again I have to correct by saying it is four to six million, that is in a general way in line with what I have said with a few slight changes. However, I think it is important to note here that in this case as in the case of all military plans there were plans made without a time set for them. They would present only the system according to which gradually this mobilization was to take place.

Q Now then thereafter you went back to Germany and based on your experience and knowledge you gained from the United States, you then went ahead and prepared a report which later became the basis for the setting up and preparation of the German industrial mobilization plan, is that correct?

A Well, to be quite exact, I waited and I used up about three to four months once I returned from the United States for this report. Then I was transferred to the army and I didn't deal with those matters for two or three years. Then when I returned in 1933 I could ascertain that the experience I had written down had not influenced in a large measure German studies and plans of the same nature because the same conditions could, of course, not be applied to the German situation.

Q. Was General Thomas the German official who was in charge of preparation and planning for economic mobilization?

A. You cannot answer that by yes or no. In 1933, General Thomas was chief of staff of the Army Ordnance Office.

Q. Well, fix the period of time during which General Thomas was in charge of economic mobilization planning and preparation. Fix the time.

A. I think that was in spring of summer, 1934. Then General Thomas was appointed chief of the so-called military economic staff, and according to my knowledge, he kept this office until 1943, but at any rate, until the beginning of the war.

Q. And he was the official of the German High Command in charge of planning and preparation of the economic mobilization planning, is that right?

A. He headed the office of the German War Ministry which had to deal with these plans. He received his commission from his military superiors.

Q. Now, were the results of your studies and investigations which you made in the United States made available to him or his office?

A. Yes.

Q. Do you know that in the preparation and planning of the German economic and military mobilization, an important factor in that planning was ascertaining the military economic strength of foreign states, and that it was a guiding principle of General Thomas' office that just as the mobilization and military preparations of the armed forces are based to a large extent on the knowledge of the defensive strength and personnel and material of probable opponents and supposed allies, in a similar way the knowledge of the military economic strength of foreign states also belongs to military economic mobilization? Do you know whether that was a guiding factor in the preparation and planning by General Thomas' office in connection with setting up German economic mobilization plans? Do you know that?

DR. BOETTCHER: If Your Honor please, I have to raise an objection there because this question quite clearly exceeds the contents of the affidavit submitted here, and I ask that the Commissioner be the man to decide this question is not admissible.

MR. ALCHAM: The relevancy of that question, if Your Honor please, is this: the affidavit of the witness purports to indicate that the German economic mobilization plans were nothing more than following through on the economic mobilization plans that the United States had. I think it entirely relevant to show the substantial differences and also that the purposes for which this witness says he undertook these studies are not for academic reasons, which he seems to indicate, but were directly connected with the planning and preparation for war that the German government embarked upon, and in that view, it seems to us, since his studies were made available to General Thomas and from that the German economic mobilization plans prepared, it seems to us entirely relevant to ascertain from this witness whether he knows of the important factors upon which the German economic mobilization plans were based.

DR. BOETTCHER: If Your Honor please, according to my view, this is a completely wrong explanation and interpretation of the statements by the witness, because the witness speaks only of studies he made in 1929 and 1930 in the United States on account of an official exchange, but these studies were in no connection whatsoever with possible later plans of rearmament, and therefore I consider the whole question utterly inadmissible because it is in no connection whatsoever with the affidavit.

THE COMMISSIONER: The point of the inquiry is to see whether it is related, and I don't think Counsel is in a position to say that it is unrelated because he disagrees with the point of view. The record will show the objection and the reasons, and the Tribunal then will act on it when it comes before it.

Q. Now then, Mr. Witness, did you know that what I have just stated was a dominant factor of General Thomas' office in connection with

the planning and preparation of the economic mobilization plans?

A. To my greatest regret, I must say that I haven't grasped the sense of the question, and may I ask you to repeat the basic point of it?

Q. Do you know that General Thomas' office predicated its planning for German economic mobilization on the following factors, quote, "The ascertaining of the military economic strength of foreign states, just as the mobilization and military preparations of the armed forces are based to a large extent on the knowledge of the defensive strength and personnel and material of probable opponents and supposed allies, in a similar way, the knowledge of the military economic strength of foreign states also belongs to a military economic mobilization?" Do you know -- and that is my question -- that that was an important factor in the planning and preparation of the German economic mobilization plans?

DR. BOETTCHER: Just a minute. May I ask the Prosecutor what kind of a quotation that is? Is it a quotation from the affidavit, or -- because I didn't find it in there.

MR. WICHAN: It would be premature to indicate just what the nature of the quotation is. The question is, does he know or does he not know whether what I have stated was a factor underlying the German economic mobilization; dependent upon his answer, would be appropriate to indicate the source of that quotation.

Q. Do you understand the question, Mr. Witness?

DR. BOETTCHER: Your Honor, I consider that at all events, it is fair that if you quote, that you give the source of your quotation, and I don't have any understanding for quotations unless the source is given, and I ask that the Commissioner make a final and immediate ruling to compel the Prosecution to indicate what the quotation is from.

MR. WICHAN: Before I go through with the interrogation, I, of course, intend to disclose the source of the quotation, but I don't think it is proper when cross examining a witness, in asking him to respond.

COURT INTERPRETER: I am sorry, you are not talking into the microphone.

MR. AICHAN: I said, before I am through with this cross examination, I intend to disclose the source of the quotation, but my understanding of the principles governing cross examination does not require, while a witness is being cross examined in order to test his recollection and knowledge, to disclose in advance of his answer the sources upon which he replied.

THE COMMISSIONER: Proceed, we will let him answer.

DR. BOETTCHER: Mr. Commissioner, you do not want to rule on my request that the Prosecution be compelled to give the source of the quotation?

THE COMMISSIONER: No, I don't. I believe the order was made, that the Commissioner appointing me, they didn't give me authority to rule on these. I looked at the order a few minutes ago, and I don't believe that I have that authority given to me by the Tribunal, so I will -- you will have to make your objections as we go along. There is a motion in, I think, before the Tribunal to allow that, but they haven't passed on it yet, and until they pass on that motion, why, I won't be allowed to do any ruling except to preserve order and see that the proceedings go along certain lines, so I don't think I will have any authority to rule. So I will just have to let you make your objections in the record, and then let them go on with the questions.

DR. BOETTCHER: Mr. Commissioner, I beg your pardon, but that is an impossible situation, because if I say that for reasons of fairness it is necessary for due procedure, that if the Prosecution quotes, they are obligated to indicate the source of their quotation, then the witness cannot be expected to answer the question without the source being indicated. The consequence of my conception is that I must ask that the question be ruled on before we go on with the questioning of the witness, and to suspend this interrogation until, if the Commissioner

8 April-M-LU-9-5-Stewart (Int. Treidell)-JP
Court VI Case VI Commission

cannot rule, the Tribunal has ruled, because without a ruling of the Tribunal, the witness is forced into the position where he is supposed to answer on a quotation of which the Prosecution is not inclined to indicate the source.

MR. AMCHAN: It seems to me, Counsel is still anticipating matters prematurely. First, it seems to me, the witness should be given the opportunity to answer whether he knows or not. What counsel for the Defense seems to say now and suggest to us is that we make available our documentary evidence and inform the witness who is being cross examined by us as to what documentary evidence we have upon which we seek to interrogate him. Now that, in my view, is contrary to every concept of cross examination. Furthermore, as to the procedural matters here, if Counsel for the Defense feels that he is aggrieved by any matters taking place at this hearing, he may apply to the Court in proper course to make a motion to strike the testimony or to have any other part of the testimony stricken from the record, but I do not think that it was the intention of the Tribunal to have these proceedings delayed and these hearings delayed at every moment that Defense Counsel feels he is aggrieved, and to have these hearings before the Commissioner suspended every single time that he is aggrieved by a supposed ruling or lack of a ruling, because if that were the intention of the Tribunal, then there would be no end to these hearings, and every time Defense Counsel made an objection and did not get the ruling that he would want to or he would like to get, then, according to the view of Defense Counsel, if I understand him correctly, he is entitled to suspend all these hearings before the Commissioner and get rulings, interlocutory rulings, on every piece of evidence for every procedural problem. That never was the intention of the Tribunal. It has not been the practice heretofore, and this is not the first time that the Defense have objected to something and gotten a ruling that they didn't like. As a matter of fact, these matters have occurred this way at all the prior hearings before the Commissioner. Now, my point is simply this: Counsel for the Defense is familiar with the procedure that has been followed here. He cannot, in our view, ask that the proceedings be suspended in order to apply to the Tribunal for a ruling on each individual procedural point. If he is

aggrieved, at the termination of the hearing he could make proper application to the Court to strike from the record whatever testimony he feels should not be in the record, and under those circumstances, I think we should -- we must, as I construe the intention of the Tribunal, by its order of reference, proceed with the hearings and leave whatever remedies Counsel may have, making application to the Court at the termination of the hearing.

DR. BOETCHER: Mr. Commissioner, if I have approached you with a special application in this case, the reason is only that you yourself said that in quite apparent cases where a deviation was made from the customary rules of procedure and where quite doubtlessly a dubious procedure is being applied, you could make a ruling, and that was my request.

THE COMMISSIONER: At this time, I will not make any ruling. We will let him answer. Your objection and reasons are in the record, and it can be considered by the Tribunal.

Q Mr. Witness, do you recall the last question?

A Yes, but again with the same regret, I must state that the sense of the question is not clear to me, but I am trying to clarify it by my answer.

Q Before you undertake to clarify it, do you understand the question?

A No, that is just the point, I didn't quite understand the purpose of the question. I have understood the words, yes.

Q Do you understand what the question means? I didn't ask you whether you understood my purpose in asking the question. Do you understand the question itself, as a matter of substance?

A Well, that is just my answer, I just don't understand it. I don't know what I am supposed to answer, and therefore I can very well go past or just answer aside from your question, but I am going to try to answer your question.

Q Don't answer my question if you don't understand it.

There is no purpose in interrogating you if you don't understand what I am asking. My question is, do you know that the portion that I have quoted was a determining factor of General Thomas' office in the preparation of the plans for German economic and industrial mobilization? Do you know that?

A I haven't understood the contents of the quotation, either.

Q Well, I will read the quotation to you once more. Well, I will do better than that.

A Go right ahead.

Q I show you Document PS 2353, which is an excerpt from General Thomas' diary, and which we offer as Prosecution Exhibit 2302, and I ask you to please look at the subdivision 13, under ascertaining military economic strength of foreign states, and I ask you whether or not that refreshes your recollection, that ascertaining the military economic strength of foreign states was one of the factors which General Thomas' office took into consideration in settling up its plans for general economic mobilization. Do you understand my question now?

A Yes.

Q My question now is, does this document refresh your recollection --

MR. AMCHAN: I will have to make a slight correction for the record, if Your Honor please. Prosecution Exhibit 2302 is an excerpt of Document PS 2353C. I am sorry, it is Exhibit 2302.

Q Have you read that part, Mr. Witness?

A If General Thomas states here that he considered such work part of his field of tasks, then I can neither confirm nor deny that. I didn't deal with those matters, and quite apparently it is only in later years that he felt the necessity to extend his field of tasks to this field, and I find here the sentence, "When we started the work of the military economic staff" -- you will find that in the middle of the page somewhere -- "this staff was faced with a blank in this particular field." The military economic staff assumed its work,

as I have said before, in 1934, and that proves at the same time and answers thereby, I think, the second part of your question, that from my reports concerning my stay in the United States, he apparently didn't gather anything of interest.

Q Now, do you know whether, or is it not a fact that the German economic mobilization, in relation to the available facilities to raise an army of a given size secret, is that not a fact?

A All mobilization preparations were secret in the German Army -- well, you have to take that for granted. That is an institution and one of the armies handled this way and in the other it is handled another way.

Q Now, will you also look at Page 120 of Exhibit 2302, under Item 12, do you see that? It says: "Tours of investigation of appropriate eminent people abroad." Colonel Thomas' trip to Russia, and then it says about the trip by Lt. Col. Warlimont, United States, etc., and he refers to those in connection with the investigation made by his office to prepare the German economic mobilization plans? Do you see that under Item 12?

A On Page 120, you mean?

MR. AMCHAN: That's right.

A. Yes, I see that.

Q. And do you see the reference to Lieutenant Colonel Warlimont? That refers to you, does it not?

A. Yes.

Q. And it refers to your trips to the United States to investigate the economic strength of foreign States? Right?

A. No, I didn't even have any possibility to investigate the economic strength of the United States. That was neither in line with the commission I had, nor with my intention. And, besides, I could not on account of the extreme help I got by the United States Army take any measures which would have been disapproved by this Army. General Thomas can only infer here that by this means he made the acquaintance of the assistance and procedure of mobilization of the United States and that, after all, is a substantial part of the military economic strength and thereby also of the military economic strength of any country, because a country that is not prepared will be in a state of mobilization only at a much later date and will be able only at a much later date to develop its potential of war than a country which by large scale and well prepared systems of planning -- which has been prepared for long years -- is in a state to use its natural resources and its industrial strength and to transform it for the war purposes within a very short period of time. That is, I had been able to gather from this report, namely, that this question had to be answered in the affirmative as far as the United States is concerned.

Q. Now, you state in your affidavit that you never believed that Hitler seriously planned a war up to Hitler's definite order of 31 August 1939 and that you regarded the preparation of the Wehrmacht of that time only as reinforcing diplomatic pressure. Now I ask you, is it not a fact that you knew prior to 31 August 1939 that these military and economic mobilizations and preparations of Germany were for the

purpose of waging an aggressive war. Isn't that the fact that you know that? Before 31 August 1939?

A. The expression "aggressive war" I have made the acquaintance of only in Nurnberg. That didn't even exist for a German soldier before that. I want to say that first. Second, the very field of German industrial mobilization is the best proof for the fact that at least the soldier had no idea of these intentions of Hitler and even less were inclined to favor them because in that case, until the 31st of August 1939 these industrial plans would have found -- had to find at least a certain conclusion, but they were far from such a conclusion. We were right in the middle of it and the mobilization broke up everything General Thomas had built up to that point. Even the workers were not yet protected from being drafted into the armed forces. Tens and hundreds of thousands of key workers were drafted from the industry into the armed forces when the Polish campaign started. In addition, theoretical plans established by Thomas' office during the years that followed that had forcibly and slowly and with great pains been put again into the armed forces industry. In other words, I neither knew that a war was to be conducted at all and I didn't believe in it, in spite of all the preparations which were made on paper and in spite of certain practical preparations and I do think that it can not be claimed either that General Thomas of the Economic Military Staff prepared an aggressive war.

Q. Did you know before 31 August 1939 that these preparations were to use the German armed strength to attack Poland? Did you know that?

A. May I ask you what preparations you are talking of?

Q. The preparations I am talking about are the mobilization plans and all the preparations of the German military forces. And my question is: Did you not know prior to 31 August 1939 that these preparations were for the purpose of using the German military forces that was being built up to attack Poland and if necessary England and France? Didn't you know that?

A. I know just the contrary.

Q. That's an answer. If you knew the contrary, that's enough.

Now my next question is ----

A. No, I am sorry, but I have to explain why I gave you that answer. Excuse me, if your question takes three or four sentences, you must give me at least two or three to answer. These preparations in every country.

Q. I'm asking if the preparations in Germany ---- I am not asking ----

A. I got your question, but I only wanted to wait until you stopped looking at the watch and looked at me again, because that way you can hear what I am saying.

Q. I hear perfectly well and it would be most helpful if you made a direct and responsive answer and would not undertake to answer about things I am not inquiring about. My inquiry is limited to the preparations of the German military forces and your knowledge of the preparations prior to 31 August 1939.

A. It is very difficult to discuss military questions with a layman, and that's why I have to give you a little bit of explanation once in a while. Industrial mobilization at least since the period of the first World War is part of general military preparations in general, exactly as the military strength of a country in the personnel question --

Q. Just a minute. Excuse the interruption. I am asking you if you possibly can to make your answer responsive to the question and not undertake to give me a general lecture on military strategy and planning.

My question is quite simple. It is limited to a definite subject matter and limited to a specific time. The subject matter is German economic preparations and the use of its military forces and the time is the period preceding 31 August 1939. And I don't think you have to give me a general military treatise to answer that question.

A. I didn't consider my question a general military treatise but as an explanation of what the situation really was. But if this is not important for the Prosecution, then the only answer I can give you is no.

DR. BOETTCHER: Mr. Commissioner, I would be most grateful if you would ask Counsel for the Prosecution to make his questions as short and clear as he desires to have answers from the witness. In this connection I ask that you intervene and most energetically.

THE COMMISSIONER: All right. That will be granted.

MR. AMCHAN: Prosecutions welcomes an interruption at any point we seem to be stepping out of bounds.

Q. Mr. Witness, is it not a fact that in May of 1939 you personally knew that Hitler said very confidentially that "a mass of 80,000,000 people has solved the ideological problems. So, too, must economic problems be solved. No German can evade the creation of the necessary economic conditions for this. The solution of the problems demands courage; the principle by which one evades solving the problem by adapting oneself to circumstances is inadmissible; circumstances must rather be adapted to aims. This is impossible without invasion of foreign states or attacks upon foreign property." Do you recall hearing statements to that effect from Hitler at the end of May 1939?

DR. BOETTCHER: Mr. Commissioner, I find fault with this question. It has to be put in a more tangible form. Where did Hitler say it and is it the contention of the Prosecution that the witness attended this speech?

MR. AMCHAN: I will reframe the question to say the time.

THE COMMISSIONER: I believe it will be --- Go ahead.

Q. I show you, Mr. Witness, Document No. L-79, which we offer in evidence as Prosecution Exhibit 2303. That's the minutes of a conference of 23 May 1939; the place, the Fuehrer's study at the Reichs Chancellory; and among the persons listed in the minutes as being present in Warlimont -- Colonel Warlimont. I assume that's you and I ask you whether or not that document refreshes your recollection that in May of

1939 you knew of Hitler's specific military aggressive plans. Do you understand my question?

A. This time I understood your question and it's very easy for me to answer it, too. I did not attend the meeting and therefore I don't know the contents. I have testified to this in the same way, under oath, in this house -- I have been asked three times the same question; I have testified under oath always the same thing; and I am still being asked the same question again. I find that somewhat unusual for the man who up to now has always stood up to his answers.

Q. The question is simple and calls for a simple answer, and there is no question of honor. Is there -- If Colonel Warlimont -- Is there any other Colonel Warlimont other than you of the same rank?

A. Apart from the fact that the name is misspelled here, I think that I was implied by this, but if you see the photostat of this report, which I saw for the first time on the 12th of November 1945, when I had already the privilege of living here, you will find that the first page was typewritten and that the rest is handwritten and apparently written by the then Colonel Schaundt. The statement that my name is on the first page, which is typewritten, would probably be that Schaundt as Hitler's Adjutant had the intention of inviting me to accompany Field General Keitel and to have me come to the meeting, but this was not actually done. And therefore I don't know why -- I don't know -- because I didn't even know that this meeting took place and I heard that only here on the 12th of October. I am sorry, I said 12 November before. 12 October 1945. In this very building.

Q. And if I correctly understand, you say the recorder of these minutes made a mistake in listing you as present. Is that your testimony.

A. No, no, no, no. The document consists of two parts which apparently have been drawn up at different times. The first page -- I may repeat that -- is typewritten and apparently in connection with the order, it is a summons to this meeting -- the order that was sent to the

participants; and the second part can only have been written after the meeting, because it contains the contents of the meeting and I don't think there was any stenographer. I think that Lieutenant Colonel Schmundt, who is listed here, too, would have taken down after the meeting the curriculum of the meeting in his own handwriting. It would be of interest to you that Field Marshall Goring, who is also listed here, did not attend the meeting either but also is listed here.

Q. In other words, you know of everybody who did not attend but not of everybody who did attend. Did Keitel and Jodl attend?

A. No. Keitel attended, yes. The fact that I know those who were not there can be explained very easily, that I had to defend myself against the fact — against the allegation of having attended, and for three years I have been trying to substantiate my viewpoint.

Q. Now, you are a defendant in which one of the cases now being tried before the Nurnberg Military Tribunal? Which case is that?

A. I am accused together with several former Generals of the German Armed Forces, but the way you term this case, I can't tell you. I don't know your term for it.

Q. Well, you are a defendant before the Nurnberg Military Tribunal, is that right?

A. Yes.

MR. ANCHLIN: No further questions, if your Honor Please.

DR. BOETTCHER: Dr. Boettcher. Your Honor, I have only three questions. Now if we could do that before the recess, it would facilitate matters. I guarantee it won't take over five minutes.

THE COMMISSIONER: O.K. Proceed.

REDIRECT EXAMINATION

WITNESS

BY DR. BOETTCHER: (for Grauch)

Q. Witness, the following very brief questions. Before 1933 were there in the German armed forces already so-called secrecy orders?

A. Yes.

Q. Did other European countries have these secrecy orders concerning mobilization plans and matters of the armed forces?

A. Yes, of course.

Q. Third question. Did the American Army also have regulations concerning the fact that certain matters had to be kept secret?

A. I didn't know that at the time but I do know that today there are at least three different grades of secrecy-- that is, restricted, secret, and top secret.

DR. BOETTCHER: Thank you. No further questions.

DR. SCHULZ: Mr. Commissioner ---

MR. NECHAN: We are through with this witness and just as soon as your Honor dismisses this witness we have some announcements for the record as to future hearings.

THE COMMISSIONER: You will be excused.

(The witness was excused.)

DR. SCHULZ: Mr. Commissioner, the witness Krueger, who is also summoned, has arrived and I would suggest that he be heard tomorrow afternoon at 1330 -- at 1:30 p.m. in this same room and the Prosecution has no objection. I can issue the official notification for that?

THE COMMISSIONER: Yes, the notification will be issued and we will hear the witness Krueger at 1:30 tomorrow afternoon.

DR. SCHULZ: Tomorrow at 1:30 in this room. Thank you very much.

THE COMMISSIONER: And all officers and officials will be advised that will be here at 1:30 tomorrow afternoon.

DR. SCHULZ: Now we have the witness Weber. We would like to have him Monday at 1330.

THE COMMISSIONER: Witness Weber, Monday at 1:30. That will be satisfactory to everybody?

All right. And we are ready now to recess. We will recess, then,

8 April - M-LU-11-3-Masdorff (Int. Treidell)
Court VI - Case VI

until 1:30 tomorrow afternoon.

(The Commission for Tribunal VI recessed until 1330 , 9 April
1948).

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UNITED STATES MILITARY TRIBUNALS NÜRNBERG

**CASE No. 6 TRIBUNAL VI
U.S. vs CARL KRAUCH et al
VOLUME 31**

**TRANSCRIPTS
(English)**

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Official Transcript of the American Military Tribunal in the matter of the United States of America against Carl Krauch, et al, defendants, sitting at Nurnberg, Germany, on 9 April 1948, 0900, Justice Shake presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal. There will be order in the court.

THE PRESIDENT: Have you a report, Mr. Marshal?

THE MARSHAL: May it please your Honors, all the defendants are present save the defendants Lautenschlaeger, Haefliger, Ilgner, Buetefisch and Schmitz, absent due to illness; the defendant Duerrfeld absent -- excused.

THE PRESIDENT: May I say also that Judge Crawford, the commissioner for the Tribunal, has requested that the defendant Hermann Schmitz, be excused at one-thirty today to attend a commissioner's hearing if he is able. That request is granted.

Are there any announcements?

Then you may continue, Doctor.

DR. WAGNER (Counsel for defendant Wurster): Your Honors, yesterday I asked that a disposition be handed to you giving a survey of our document books. This is to help in working on the document books. I may assume that you have received this document?

THE PRESIDENT: Yes, we do have it.

DR. WAGNER: I shall then continue with the examination of the witness.



BY DR. WAGNER:

Q Dr. Wurster, we stopped yesterday with the question of whether the fact that your name is mentioned on the distribution list

justifies the assumption that you were acquainted with the contents of the document in question. You have already answered that question and you spoke of the distribution to the various departments competent for different fields. Will you please say a few words to make it clearer about these individual departments of your plant as to what extent they were independent? You know what I mean.

A These departments had a large degree of independence. It was only in this way that it was possible for such a large plant to operate. I might almost say that such a department chief was like a little king in his own realm and had a great power of decision. There were, therefore, only important men in charge of these departments and, just as I said yesterday about my secretary who took care of my mail, it was the responsibility and the duty of these department chiefs to decide with what they should consult the Vorstand members and this gradually became automatic but they had been selected so that they rightly enjoyed a high degree of confidence.

Q Dr. Wurster, if you received circular letters, documents, for example, from the Vorstand in Frankfurt, where your name was mentioned on the distribution list, did the person sending this out assume that you personally would take notice of the contents of this document or did he assume that it would be turned over to the competent person?

MR. SPRECHER: Just a minute. That is not only argumentative, Mr. Examiner, but it is calling for a conclusion from someone else's mind which seems to be rather unusual.

DR. WAGNER: If you permit, Mr. President, that could, of course, be regarded in that light if there were not the consideration that Dr. Wurster, as a member of the Vorstand, was himself informed about the attitude in distributing such circulars and what the practice was.

THE PRESIDENT: Counsel, the objection is well taken but

it is perhaps due to an unfortunate choice of words. If there was a general practice in the Farben business along that line, the witness is entitled to say what the general practice was but when he assumes what somebody else knew or intended, that perhaps is technically objectionally. Can you not reform your question and obviate that objection?

DR. WAGNER: Yes, I shall formulate the question in this way:

Q What is the practice on this point?

A The practice was that the plant manager very often received letters which were addressed actually to the plant or to individual departments. I believe that one prosecution exhibit which you put to me yesterday was a fairly good example of this because it included a large number of minor questions which would automatically be turned over to the individual departments. That was the practice.

I may, perhaps, add one thing. This reduction of the burden on the leading men had to increase actually during the war because at times there were weeks or months when we didn't even sleep at night and were extremely overworked.

Q To make that quite clear to the Court, you mean because of air raids you couldn't sleep?

A Yes.

Q Now, I come to another question. While you were plant leader at Ludwigshafen how did you obtain labor? Was there a free labor market or was there some other arrangement or regulation by law or any other way?

A When I became plant leader the authorities were just beginning to interfere in this field. Conditions in our district in the Palatinate were quite different from those in other parts of Germany. Even after the depression the Palatinate hung back in economic development. In Ludwigshafen, for example, as late as 1937, we had

unemployment. It was only in the course of 1938 that expert workers began to leave our district for other parts of Germany and there was more work elsewhere for various specialists. The consequence was that in 1939, from about the spring of 1939 on, we had a scarcity of labor and in the first half of 1939 we, in turn, received the first German conscripted labor. I remember this very well because these people came, above all, from South Germany via Wuerttemberg and, since Wuerttemberg is my own home I usually welcomed these men personally and encouraged them and consoled them for this compulsory work they had to do in a different part of the country. That is how conditions developed.

Q. Did I understand you correctly to say a free labor market—the fact that a worker or an employee goes to the employer and concludes a contract without government intervention, no longer existed; did I understand you correctly that this supply of labor for an industrial enterprise was quite publicly regulated by law? Is that right?

A. Yes, just as you have said.

Q. Dr. Wurster, was the hiring of foreign workers later assigned to you, one of your duties as plant leader?

A. Do you mean before or after the outbreak of war?

Q. Both before and after.

A. Before the outbreak of war we had foreign workers in our plant, too. We had Italians and especially quite a few Poles so that before the war we already had foreign workers. Some of the, especially the Poles, had been with us for decades and worked for us just like the Germans but retained their nationality and there were always quite a lot of Italian immigrants in the Palatinate—that is, before the war.

Q. To continue this trend, we come to the foreign workers employed in your plant after the outbreak of war, but I don't want to go into that just yet. I will examine you about that in connection with Count III of the indictment.

Another brief question: did you attend the plant leader conferences and the enterprise council?

A. Since 1938 I was a member of the plant leader conferences. As has been said, the plant leaders of the large plants met to discuss important questions of social policy as far as they can still be influenced by private parties. In the enterprise council I was not a member. I was only a guest. The enterprise council, according to law, consisted of the enterprise leader and ten representatives of the employees. All other plant leaders present were guests. Moreover,

these two groups could not make any decisions. In the last analysis we plant leaders were responsible for our plants. We were personally responsible and no one could take the responsibility away from us.

Q. Now, a question about TEA: when did you become a member of the TEA?

A. Also in 1938 when I joined the Vorstand of Farben.

Q. And what was your work in the TEA and the Vorstand?

A. In the Christmas recess last year you asked me to explain that for you and before the defense case I made an affidavit for you. I believe that these two subjects have been discussed so much here that it would save time if I just referred to this affidavit where I have given my subjective opinion. I have explained my impression of the work in those two committees. From what I have learned in the meantime from my colleagues in the various examinations, my opinion quite agrees with the opinion of the others.

DR. WAGNER: I think that a very good suggestion which will serve to expedite the proceedings when I present our documents. I will offer this affidavit of Dr. Wurster to the Tribunal, too, the affidavit about the TEA and the Vorstand work and ask your special attention for this document. This settles this question.

Q. Now, Dr. Wurster, will you please very briefly and concisely tell about your joining the Nazi Party? When and under what circumstances did you become a member of the NSDAP?

A. In the fall of 1938 I was informed about the order of the Gauleitung according to which I was listed as a party member.

Q. And what preceded that?

A. At the end of 1937 it became known that I was to become plant leader of the Ludwigshafen plant. Thereupon the Gauleiter very emphatically expressed the wish that I should join the Party since it was not proper for the plant leader of the biggest plant in his Gau not to be a Party member. I refused to join, explaining that I was a

political person and had never belonged to any political party.

Q. You mean to say that you were a person not interested in Party politics?

A. That is perhaps a better definition.

DR. WAGNER: Your Honor, I shall introduce some documents about this, especially documents explaining the defendants' attitude towards National Socialism, towards the church, towards the Jewish question, his conduct towards Jewish and half-Jewish employees. These documents will speak for themselves and here, in the interests of expediting procedure, I shall not go into these questions further.

Q. Now, Dr. Wurster, I have a few questions about this situation in your Ludwigshafen plant before and after the occupation of Ludwigshafen by the Allied troops. When was Ludwigshafen and your plant occupied?

A. On the 23rd of March 1945.

Q. That was while hostilities were still going on, before the German capitulation?

A. Yes. The capitulation was on the 8th of May.

Q. Will you please give us a very concise picture of the circumstances under which the plant was occupied and what role you played in this?

A. The Ludwigshafen plant was, as far as I know, the first Farben plant, at least the first big Farben plant, that was occupied. The occupation occurred at the time when the German government had given out the order for the scorched earth policy. In the course of this trial we have heard repeatedly that measures of this sort were considered at the end of 1944 and the beginning of 1945. It had been possible, however as a result of the objection of various parties to prevent the mania for destruction and to mitigate those measures but when the Allied troops approached the Rhine this whole madness flared

up again quite unrestrictedly.

On the 19th of March 1945 Hitler issued his notorious scorched earth order. Shortly after this order was issued I was called to the command post of the city of Ludwigshafen. The order was read to me. I was ordered to destroy our plant and, in the presence of witnesses, I was forced to give my signature to a statement that I had taken notice of the order to destroy our plant and that I was obliged to carry this order out.

I will probably never forget this sad hour in which I was to be forced to take away the future livelihood of my employees and the people of Ludwigshafen and to destroy what it had taken decades of painful work to build up. The order was so insane that another order was issued by Hitler on the 30th of March upon Speer's instigation which partly rescinded it. I was in a difficult position and it was just during the eleven days during which the order of the 19th of March was in actual effect, that our plant was captured.

Q. What did you do?

A. I was quite determined not to carry out this order. Under the circumstances this was, of course, not easy. The ruins of the city of Ludwigshafen were to be defended by Military forces. The streets were to be barricaded unless they were already blocked by the ruins of houses. This was the situation in the large parts of Ludwigshafen-- Ludwigshafen had at that time about a third of the 150,000 inhabitants. Some of the people had fled to our protection with their women and children.

I had to supply the plant with electricity, gas and water as these facilities were not still in operation. A large part of Ludwigshafen, especially the city hospital, were dependent on the factory. The city water works had been destroyed. For these reasons I realized that the order to destroy the plant could not be carried out and it was not carried out. At the end there were some very harassing times because

for about twenty-four hours the plant was between the two armies and we were under artillery fire from both sides but, nevertheless, it was possible to preserve the power plant. My associates know best what kind of conduct and what spiritual resources those days demanded.

Q. After you had succeeded in saving the plant from destruction, what happened?

A. After the plant was occupied by the American troops the power plant continued to operate. The American authorities, represented by the military governor of Ludwigshafen and his staff, asked me to inform them about the situation and I was surprised at how well these gentlemen were informed about conditions in the city. Their primary interest was to get the people back to work as soon as possible and get them off the streets and I was asked for suggestions to this end.

Q. Were these suggestions just for the Plant?

A. No, not just for the plant, but for the whole city of Ludwigshafen. The city authorities had a flood. We needed men who could cope with the unimaginable chaos. We were able to supply the military government with a number of temporary heads for the various agencies. At the beginning, almost all of the officials of the Labor Office, Economics Office, the Transportation Office, and even the Fire Department was headed by Farben men. The same is true of the liaison officers with the Military Government. The interpreter at the Military Court was a chemist of ours.

Q. Did the American authorities leave you in your position as head of the plant?

A. Yes, in the middle of April, 1945, I was appointed Chief Manager. I was then asked to draw up a production plan for the plant. Urgent requirements of the occupation forces were to be satisfied first, oxygen for welding, carbide and so on. The main interest was in the production of fertilizer. To give an example, the late economic adviser of General Clay, General Draper, came to the plant twice for consultation. Mr. Snyder, State Secretary of Finance, came to the Plant, and I showed him around. They were especially interested in fertilizer because the food difficulties were already apparent.

Q. Did production resume?

A. Yes, first of all, the coal supply had to be cleared up. Colonel Rhodes, the economic officer of the Pfalz, accompanied me to the Saar several times to clear up coal difficulties. When the control officer was appointed I went on several trips to obtain other raw materials, so that in April, 1945, even before the German capitulation, our oxygen factory could start work again.

I believe that in this way, we made a big contribution to the food supply of South Germany in the year 1945.

DR. WAGNER: There has been a translation mistake. The interpreter said "oxygen" instead of "nitrogen".

Q. How long did you work with Captain Marshall, the Economic Officer of your Plant?

A. Until the American Occupation Forces were replaced by the French.

Q. Did your position as Chief Manager change on the 5th of July, 1945?

A. No. The American officers on the evening of the 5th of July told me about the order that had been issued, explaining that I was to remain in my position. They also told me that after a short interval the American troops would be replaced by French, and this occurred a short time later.

Q. And what happened when the French authorities took over the Plant?

A. Captain Marshall introduced me to the new Economics Officer, and on the following day the French Military Governor, and later a special French administration, appointed for our Plant, confirmed my position.

Q. And how long did you remain head of the Ludwigshafen Plant under the French Administration?

A. Until the indictment was filed in this trial.

Q. And when was this indictment served on you, and where?

A. At the end of June, 1947, in the city hospital in Ludwigshafen.

Q. Dr. Wurster, on an earlier occasion you told me that after the collapse at the suggestion of the American Military Government, you took over the management of the entire Chemical Industry in the Palatinate. How did this come about?

MR. SPRECHER: Mr. President, I have tried not to object because Dr. Wagner personally is very interested in this. I think it is about as relevant as reading the Ten Commandments at this point. This is all after the fact. Any technician of any army authorities who had a technical job to do in this area that involved chemistry would have been very stupid if he had not used Dr. Wurster. Certainly no one denies he is one of the greatest experts in the chemical field.

We will stipulate to practically all of the things which have been said, if Dr. Wagner is interested in them. We think this utterly irrelevant. They are all after the fact, and have nothing to do with

motive, nothing to do with the pattern before the occupation by the Allies.

DR. WAGNER: Mr. President--

THE PRESIDENT: Just a moment. We can probably save some time. It is rather generally recognized that the conduct of one charged with crime, before and after the commission of the offense, may be taken into consideration where motives and intent are in issue, and we do recall that in the Prosecution's case it went into some features of the conduct of some of these defendants, at least, after the time when the offense was alleged to have occurred. Perhaps illustrating what I am trying to say, there is an old adage to the effect that, "The guilty flee when no one pursueth; but the righteous are as bold as a lion". Now this man is entitled to show, within reasonable limitations, his conduct following the date of the alleged offense, if he thinks it will throw any light upon his guilty knowledge or his criminal intent.

I may say, Dr. Wagner, that that privilege should not be abused; the time of the Tribunal should not be unduly taken up with evidence of that kind, but within reasonable limitations, in view of what we think the practice generally is and what has been done in this case, the objection is now overruled.

DR. WAGNER: Mr. President, but for this objection I would have been quite finished with my first part of the question, so the objection often wastes time instead of gaining time. I am so careful with time in my own interest that I believe the Prosecution and I can quite agree on that point.

Q. Dr. Wurster, do you remember the question to which an objection was raised?

A. Yes.

Q. Will you please answer it briefly?

A. During the war I became the Bezirksobmann of the Chemical Industry in Palatinate, and also since 1941 I had been Honorary President of the Chamber of Industry and Commerce of Ludwigshafen. From this work I know the general economic conditions in this district.

Q. Did your work as President of the Chamber of Commerce have any special connections with war duties?

A. On the contrary, the Chambers of Industry and Commerce are very old customary organizations which are united in an International Organization, for the self administration of industry. What remained of this organization during the war, were plants which were not under special war organizations, that is matters under civilian production. For example, all of the handicraft organizations.

Q. How long has this Chamber of Commerce, whose President you were, existed?

A. It is very old, since 1943, over 100 years.

DR. WAGNER: Your Honors, I have finished the first part of my direct examination.

We shall now go into a number of specific questions on Count I in the course of the war, and my colleague, Dr. Heintzeler, will examine Dr. Hurster now.

DIRECT EXAMINATION - Continued)

DR. KARL WURSTER

BY DR. HEINTZELER:

Q. With the permission of the Tribunal I should like to examine the witness regarding Count I of the Indictment. Dr. Wurster, the indictment charges you with having participated in the preparation for a war of aggression, and also with an alliance which Farben allegedly concluded in 1932 with Hitler. I may sum up, for the sake of brevity. In your previous examination you have already testified that in 1932 you had no responsible position within Farben. But for the sake of illustration, will you please explain to the Tribunal what your income was in 1932, - approximately?

A. A few hundred marks a month.

Q. Now the position that you held in 1932, did this give you any insight into the political policy of Farben, or any influence on Farben's political policy as far as one can speak of such a policy?

A. No, certainly not.

Q. When was the first time, after 1932, that you learned of this alleged alliance of Farben with Hitler, concluded in 1932?

A. It was in 1947 when I received the indictment.

Q. Dr. Wurster, before the indictment was served, were you not once interrogated about the charges; didn't you obtain knowledge of them in that way?

A. No.

Q. You were never interrogated beforehand?

A. No, I was never interrogated on those questions.

Q. In the Vorstand, and the TEA at the time when you belonged to these two Boards, from 1938 on, were political questions ever discussed in particular foreign policy?

A. No, never in my presence.

Q. What were the subjects that were discussed?

A. Purely technical questions.

Q. While you belonged to these two bodies, from 1938 on, was any general political line of Farben ever discussed, or decided upon?

A. No, I do not believe one can speak of that. I do not believe it existed.

Q. Then you joined the Vorstand in the TEA in 1938. When did these two bodies give you the impression of institutions having a decisive influence on the policy of the Third Reich?

A. Not at all. My impression was that at that time already the German industry was more an object than a subject; it was more the anvil than the hammer.

Q. I am sure the fact of rearmament was not a secret to you; did you ever conclude from this that Hitler was planning a war of aggression?

A. Not at all.

Q. Did you not conclude from the nature and extent of the armament that the purpose could only be the waging of wars of aggression?

A. I had no insight into either the nature or extent of the armament which would have justified me drawing any such conclusions.

Q. Then may I ask what did you personally consider the purpose of rearmament in Germany?

A. Nothing; in the Palatinate one did not think of war, and certainly not a war of aggression. This is a border country, and probably more than any other district it has seen the consequence of war. I often wondered after the war that many people in Northern Germany did not know that from 1918 to 1930, the Palatinate was occupied. People who lived there knew what war meant. If you ask me what I considered the purpose of the armament, I would say I had to assume that the Government wanted to be prepared to ward off any foreign attacks. I had no other ideas about the armament, especially, perhaps, because I was looking at it from the point of view of our district.

Q. Did you or did you not realize that Hitler, with the aid of rearmament, wanted to carry out a policy aimed at robbing the people of other countries of their freedom, their country and their property?

A. No, I did not.

Q. And on the 1st of September, 1939, when war actually did break out, what was your attitude towards this event?

A. I was deeply distressed. I might even say I was desperate, and I told my associates so at the time.

Q. Dr. Wurster, what was your attitude, - your basic attitude, - underlying your practical conduct during the war.

A. I could change the major course of events just as little as any other one person in a similar position. If you ask me about my basic attitude, all during the war, I should like to use a figure of speech that I often used in conversation with my friends. In this tempest of world events, I felt like the helmsman of a small ship. This ship was my factory, and I had to try to get this ship that was entrusted to me through the tempest with its crew.

Q. After these introduction questions of a general nature, I now come to the individual facts cited in the Indictment as proof that you helped to prepare for a war of aggression, and first of all I should like, in order to avoid repetition, to ask you just one question.

Did you ever attend any of the much discussed maneuvers, or were you aware that such maneuvers were carried out in your plants?

A. No, I never participated. As seen from the Prosecution document, there was one in 1936, but that was not under my sphere of influence, and I believe it was quite theoretical as I learned later.

Q. Also, on the question of air raid preparations, I shall ask only one question about that.

The Prosecution has handed in minutes of the Directors' Conference at Ludwigshafen on the 12th of April, 1938, and on the 27th of September, 1938. This is Prosecution's Exhibit 180, in Book 7, and 171, also in Book 7. The first document is on page 33 of the English, 60 of the German; the second document is on page 35 of the English, 62 of the German. I have only one question about these two documents.

What did you gather from these documents, with reference to the

intensity of air raid precautions in Ludwigshafen Plant?

A. I believe that these documents show that our purely defensive air raid precautions were very meager, in respect to the amounts expended on the two. According to Exhibit 181, in 1937, Ludwigshafen proper, spent a total of 10 marks per employee. One must consider that this includes not only expenditures for the protection of people at the plant, but also amounts expended for the protection of the machinery in the factory which represented a value of several hundred thousand marks.

Q. I now come to the so-called mobilization plans, and I ask the indulgence of the Tribunal if I spend somewhat more time on this subject. I believe it is necessary to go into some detail here because the example of the Ludwigshafen plant is an especially good illustration of whether the assertion of the indictment in paragraph 23 is correct or incorrect, namely, and I quote: "September, 1939, in the invasion of Poland found Farben long since converted to a wartime footing".

My first question on this subject, Dr. Wurster, before the first of January, 1938, before you became a Vorstand member, and a Plant Leader of Ludwigshafen, was the working out of mobilization plans one of your duties?

A. No. As I have already said, the first time I was only the head of one production department. Therefore, I can say nothing from my own knowledge in regard to the Prosecution's documents concerning mobilization plans before this time.

Q. I then ask you to tell the Tribunal what was done after the first of January, 1939, generally; what the mobilization ideas were of the authorities in respect to the Ludwigshafen-Oppau plants.

A. The ideas of the Berlin authorities were less to mobilize Ludwigshafen for war than to immobilize the plant. The authorities apparently believed that because of the situation of being very near the Western border of the Reich, Ludwigshafen was in great danger, and therefore it would not be able to produce at all. I did not think that this idea was evidence of an intention to wage a war of aggression.

Q. At this point, Your Honors, I should like to introduce Document 16 as Exhibit 3. This is a map of Southern Germany, and I should like to ask the Marshal to hand the copies to the Judges.

First of all, I should like to ask the indulgence of the Tribunal because this is a war map and not a pre-war or a post-war map. But unfortunately I was not able to find any other suitable map for the purposes of this trial.

Q. May I ask you, Dr. Wurster, with the aid of this map to explain the position of Ludwigshafen with respect to the French border?

A. The map shows at a glance that Ludwigshafen is about sixty kilometers from the French border; that is, about forty miles. That is, it is very near.

Q. Since the Tribunal is looking at this map, I should like to ask you to explain to the Tribunal with its assistance what part of Germany is called the Palatinate, that is, the district in which you worked.

A. It is the district west of the Rhine, between the Saar and the Rhine.

Q. I should like to remark that the Palatinate is surrounded with a blue line in the maps which I have given to the Tribunal.

A. If I may outline it very briefly, it is a district with scarcely a million inhabitants but of great historical and cultural importance. It was often the center of history, and many wars have gone over this country. The population has a very definite interest in liberty, very temperamental and frank. From the economic point of view, the country is very fertile. Driving through it, it is like one big garden.

From the industrial point of view, the characteristics are: A big shoe industry in the west, and the whole district is greatly influenced by the big Farben plant. I should perhaps add something about agriculture. It is the biggest wine-growing district of Germany, and it is of great economic importance. As to the history of our plant, I may perhaps add: The city of Ludwigshafen on the Rhine is perhaps a

typical city in the American sense. I have, unfortunately, never been in America and cannot speak from my own knowledge. But before the factory was built there was only a farmyard on this site and the whole city has grown up with this factory around this factory; subsidiary industries, machine industries, construction industries. And this meant that the factory was very important for economic development in all of the life in this district.

I remarked yesterday how bound to tradition the employees of our plants are. That is because, perhaps, they are extremely frank, a characteristic which is especially suitable for chemical workers.

That is about all I have to say about our plant.

Q. I now come back to the mobilization preparations for Ludwigshafen. You said that the Berlin authorities were of the opinion that Ludwigshafen in the event of war could not continue to produce. Can you give me proof of the correctness of this statement? Can you find any proof for this in the documents already in evidence?

A. Yes; for example, in the matter of the Reich Ministry of Economics in July, 1939, Prosecution Exhibit 230, NI-7121, Book 8, English page 125, German page 139.

Q. What was the practical result of the attitude of the authorities in Berlin on the question of the production at Ludwigshafen in the event of war?

A. There were two practical results. First, no big expansion was to be planned at Ludwigshafen. Secondly, the idea was discussed that part of the production facilities at Ludwigshafen were to be moved to better-protected areas, for example, central Germany. One could do little against the first idea. I, more or less, sabotaged this second idea because I didn't think there would be a war. And, therefore, I thought it madness to ruin this beautiful factory by dismantling its facilities. Therefore, my people had instructions to

procrastinate and to see that nothing foolish was done.

Q. Can you perhaps find any confirmation in the documents in evidence for your policy of procrastinating in mobilization questions and preventing cutting down your plant?

A. Yes, I find such a confirmation, for example in Prosecution Exhibit 229, Document EC-97, Book 8, English page 117, Germany page 135. This is a file note of a conference in the Chemistry Supervision (Ueberwachungsstelle Chemie) of 26 October, 1933--no, excuse me, that is the wrong date...the 8th of December, 1933. The conference was on the 6th of December; the document was drawn up on the 8th.

Q. Excuse me for interrupting you. In presenting this document on the 4th of September, 1947, the Prosecution pointed out that according to this document Ludwigshafen had asked the authorities whether in case of emergency Ludwigshafen would be able to produce. The Prosecution added that this was a clear case in which the initiative came from Farben. Will you please comment on that?

A. I do not recall that I myself saw this document before the trial. It is an official document. I gather from the contents that Dr. Moll was present during the discussion about Ludwigshafen.

Q. Who was Dr. Moll?

A. Dr. Moll was the man in charge of deferments. He had to draw up the lists of the employees who, in case of mobilization, were indispensable for the plant and should not be drafted.

Q. What was Dr. Moll's rank?

A. None; this work was not as important as that.

Q. Did this job exist only in your plant, or was it routine work that existed in every factory?

A. Absolutely routine. I might say there was only one consideration in selecting this person for this job, and that was that he had to be a man of very good character. During the war he could never be

influenced by any connections. I may say of him that he was not a Party member, and lost two sons in the war. I believe there is no better guarantee for his objectivity.

Q. Will you please speak about the purpose of Dr. Moll's presence in this conference?

A. I imagine that in preparing his list for the Wehrmacht agencies, Dr. Moll had run up against some difficulty because he was told that Ludwigshafen would not be producing in the case of war. Therefore, you can't make any list of personnel. And therefore he no doubt went to the Supervision Office for Chemistry and tried to find out whether we would not be able to produce to a certain extent. That is how I explain the purpose of his visit.

Q. And what does this Prosecution Exhibit 229 say about Dr. Moll's expressed ideas at this meeting?

A. I should like to refer to the second paragraph from the end—

MR. SPRECHER: Just a second. Mr. President, I don't know on the basis of the qualification by Dr. Heintzeler as to what qualifications this witness has to talk about it, on the basis of his own testimony. He states that he does not know whether he saw it; nothing has been said as to whether or not he discussed it with Moll or whether he didn't. And now he is being asked a hypothetical question as to how he construes certain parts of the documents. Now the document, I think, will speak for itself, unless a different qualification is laid.

DR. HEINTZELER: Mr. President, may I make a brief explanation. I believe that Dr. Moll was under Dr. Wurster, and since we are speaking about the general policy of the Ludwigshafen plant during these years I consider it expedient and relevant for Dr. Wurster to reconstruct this policy with the aid of the Prosecution documents.

THE PRESIDENT: It appears from the evidence that this defendant

at the time hold a position of responsibility in the plant that would perhaps justify the conclusion that he had some general or special knowledge of policies. There is no occasion for him reading the excerpt from the document further than to identify the subject matter of his statement. The Tribunal is inclined to the view that if he can interpret, throw any light, on the surrounding circumstances of this document offered by the Prosecution, he is entitled to do it.

The objection is over-ruled.

BY DR. HEINTZLER:

Q. Dr. Wurster—

A. I believe it will not be necessary to quote from the documents. I can simply say that Dr. Moll, as a representative of our plant, negotiated with the Berlin gentlemen at this conference in such a way that Ludwigshafen should be able to continue production as much as possible and in that way retain as many as possible of its employees.

Q. You mentioned a short time ago that the Berlin authorities were considering having production facilities of Ludwigshafen Oppau transferred to some other place. Will you please tell me whether you can give me any details about that? For the purpose of saving time, you may consult documents already in evidence.

A. I should best refer to two exhibits; Prosecution Exhibit 231, NI-7128, Book 8, English page 126, German page 146, a letter of Vermittlungsstelle-W to the Reich Ministry of Economics of 5 July, 1939; and Prosecution Exhibit 230, NI-7124, Book 8, English page 132, German page 160, a letter from the same office to the same address, dated 7 July.

These two letters show that the Berlin authorities, as late as July, 1939, were considering transferring important production facilities from Ludwigshafen.

Q. And the contents of these two letters agrees with your recollection on this point?

A. Yes.

Q. Then there is Document NI-7122 which has been introduced as Prosecution Exhibit 268, Book 10, English page 32, German page 41. This document says that since September, 1938, a so-called Evacuation Plan was in effect for the Ludwigshafen plant. Do you know anything about that, Dr. Wurster?

A. I learned of the document itself only here, but I know that

such questions were discussed and that the Evacuation Plan was a plan by means of which apparatus and raw materials on finished products could quickly be evacuated to more protected areas in the event of war. It is understandable that such considerations did not bring to our minds the idea of a war of aggression.

Q. Dr. Wurster, to make it quite clear, was this a plan to evacuate before 1939, or a plan in the event of war to transfer apparatus after the war broke out?

A. It was for the event of war.

Q. The witness Hans Wagner in his affidavit, Prosecution Exhibit 247, in Book 9, testified and confirmed in cross-examination on 9 September, 1947, that a Dr. Pfaundler of Vermittlungsstelle-W had informed him that the Ludwigshafen plant, as early as July, 1939, was adapted to mobilization production. Do you know anything about that?

A. No. Dr. Wagner said in cross-examination that he heard this from a third person. His assumption is quite unfounded and it is wrong. You will be able to prove the actual circumstances by introducing documents.

Q. My last question regarding the period before the war is this. Did you yourself, personally, before the outbreak of war ever participate in conferences with the authorities about mobilization plans, for example with the head of the Reich Office for Chemistry, Dr. Ungewitter?

A. No.

Q. But Dr. Ungewitter allegedly saw you or informed you in July, 1939, that there was an attack on Poland to be expected.

A. That is quite wrong. In the months before the outbreak of war I never saw Dr. Ungewitter, and before the war I had nothing to do with this group.

Q. I now come to the outbreak of war. To sum up, may I ask: Did the Ludwigshafen plant have any mobilization duties on the outbreak

of war, or was it converted to mobilization production?

A. No; neither. At the end of August, 1939, a very few days before the war started, Ludwigshafen received a letter from the Reich Ministry of Economics sending the plant a draft for mobilization duties. This draft was to be worked out and commented on. That was the first letter giving any concrete mobilization duties for Ludwigshafen. The draft of the ministry was to be worked over by us, but the war broke out before we had started working on it.

Q. I must now put to you that the Prosecution has introduced an Exhibit 264, Document NI-2765, Book 9, English page 112, German page 144. This is a telegram from Vermittlungsstelle-W, dated 3 September, 1939, according to which the Ludwigshafen plant--I correct myself--according to which for the Ludwigshafen plant, and I quote..."The recently set-up minimum program is to go into effect with a few changes."

According to this the Ludwigshafen plant must actually have had a minimum mobilization plan when the war broke out.

A. No, that is not right. With this, I quote: "Minimum production recently fixed..." The telegram of Vermittlungsstelle-W meant the program that I just mentioned which we received as a draft at the end of August, 1939. We were supposed to comment on it. When the war broke out this telegram suddenly declared that this draft was a binding program. That is what happened.

Q. This is the draft which you had received on this matter a few days before the war?

A. Yes.

Q. And did the Ludwigshafen plant work according to this minimum program which is mentioned in the telegram?

A. No; the execution of this program was impossible for technical and social reasons. It had been sent to us by the Ministry of Economics without our having been consulted. Therefore, after receiving the

telegram of 3 September, 1939, I asked one of my associates, Dr. von Nagel, to work out counter-suggestions. These counter-suggestions were submitted to the Ministry of Economics in a letter of 9 September, '39. They were, in effect, that we were to continue production quite normally.

Q. I should like to put to you two documents introduced by the Prosecution and I should like to ask you what you have to say about these documents in connection with your testimony just now. These statements are records of meetings of an official agency called Working Staff Chemistry (Arbeitsstab Chemie.) The meeting of 12 September, 1939, and the meeting three days later, 15 September, 1939, regarding the meeting of 12 September. The minutes were introduced as Exhibit 270, Book 9, English page 121, German page 159. The record of the meeting of 15 September is Prosecution Exhibit 267, in Book 10, English page 42, German page 58.

DR. HEINTZELER: Your Honors, I asked the Secretary General to supply the Tribunal with books IX and X, and may I ask the Tribunal to look at these two documents? I believe the witness can illustrate them especially well.

BY DR. HEINTZELER:

Q. The first document in Book IX, English page 121, Exhibit 270. Will you please comment first of all on this Exhibit 270? The record of 12 September, 1939.

A. Dr. Heintzeler, I don't think these are minutes; I believe these are just a draft of the minutes.

Q. What makes you think that?

A. Because it has no signature and, as I pointed out when the document was introduced, "XIII" is crossed out in the original. But it seems to me that this record confirms what actually was discussed at this meeting, especially the part that is crossed out.

Q. To complete the picture, Dr. Wurster, what does Paragraph 13 say in one sentence? Is it true, if I say that Ludwigshafen was to be given a free hand and was to be allowed to produce as before?

A. That is right.

Q. Why do you conclude the "XIII", which has been crossed out, actually reproduces what actually was discussed at the meeting of 12 December?

A. I conclude that from Prosecution Exhibit 267--

Q. Your Honors, this is in Book X, page 42 of the English.

A. This is about a meeting three days later--

THE PRESIDENT: Perhaps, before the defendant starts to give his explanation of these documents, we had better now take our recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. SILCHER: Deputizing for my colleagues Lummert and Ischenauer, I request that Kuehne and Dr. Gattineau be excused from attendance this afternoon in order that they may appear at the cross examination of Dr. Kuehne by the Commissioner.

THE PRESIDENT: Very well, that request is granted.

DIRECT EXAMINATION — Resumed

DR. KARL WURSTER — Continued

BY DR. HEINTZELER:

Q. Dr. Wurster, at the end of this morning's session, you spoke of the record of 12 September, 1939, Exhibit 270, Book 9. I had asked you if, from what you concluded, the crossed out Roman Numeral XIII of that which was recorded at Ludwigshafen-Oppau represented clearly what was actually discussed on 12 September 1939.

A. I concluded that from Prosecution Exhibit 267. These are the minutes of a meeting of 15 September 1939, three days later. In these minutes it says in the introduction that the minutes of the resolutions adopted at the meeting of 12 September 1939 had been read and adopted with slight changes. These slight changes refer, obviously, to the question of mobilization tasks of Ludwigshafen, for, during this meeting of 15 September, the very opposite was resolved of what had been decided upon in the draft, and Roman Numeral XIII which was submitted to the meeting of 12 September 1949 could be seen from that draft.

Q. Can you indicate briefly to the Tribunal how, in your opinion, on the basis of the two Prosecution documents, the development of events took place during these few days between the 12th and the 15th of September.

A. Yes. I had said before that the plant submitted a counter proposal on 9 September. Evidently, during the meeting of 12 September, Dr. Ungewitter was unable to reject that counter proposal and therefore he wanted a free hand with no interference from the Reich Minister of Economics and the OKW who gave no approval to this suggestion. In the

time between 12 September and 15 September, 1939 the time between the first and second meetings, the OKW apparently expressed its opinion that Ludwigshafen was not to receive any important mobilization tasks which were originally provided for in the telegram of the Vermittlungsstelle. Beyond that, machinery was to be transferred from Ludwigshafen to the East. Therefore, during the second meeting of 15 September, the minimum production program that was fixed in the telegram by the Vermittlungsstelle was to be retained, and only a minor portion of the counter proposals of 9 September were to be accepted. These very two documents, exhibits 270 and 267, which I saw for the first time here in Nurnberg because I was not present at the meetings, prove clearly that one could not speak of preparations for war at Ludwigshafen for quite obviously, neither the factories nor the authorities knew, two weeks after the war broke out, what really should be done, and one discussed things which could not have been carried out.

Q. In your recollection, were the results of the so-called Working Staff Chemistry expressed at the meeting of 15 September 1939 actually executed?

A. No. There was a lot of pro and con discussion about that and when Berlin saw, in the course of time, that no warlike action was occurring in the West, people calmed down gradually. In March 1940 further discussion took place about transfer of production. Then can be seen from the Prosecution Exhibit 748, NI 7129, Book 40, English page 82, German page 108. This document shows, as well, that those considerations could not be realized either.

Q. Dr. Wurster, if, on the basis of your statements, one tries to follow the events of how the Ludwigshafen plant tried to continue its production in the first weeks of the war, then I must ask you the following question. What did you, as a plant leader, consider when you tried to continue normal production in your plant? What was your motive?

A. If I try to justify my conduct, I would say that basically I had two motives. A very practical and rational one was the desire that our

staff of workers and employees be kept together, for I was responsible for them and it would have been unnecessary for them to be transferred to other places in Germany and be thus separated from their families. That is not easy for a southern German. I said yesterday everybody had a piece of land, even if it was only a few square meters, and they were attached to the soil. There was a second motive, mostly an irrational motive. My ancestors, beginning with my grandfather, were all farmers and they all loved the soil. My soil was the plant for which I was responsible, and I felt an obligation to retain and maintain the plant, the fate of which was entrusted to me.

Q. I leave the subject of mobilization preparations in Ludwigshafen, and now turn to the question as to whether and to what extent your technical activities gave you an insight into German rearmament in such a manner that from it you might have concluded the aggressive nature of the rearmament program. In that connection, I want to ask you first: Did you, at any time, have an overall insight into the status of rearmament in Germany?

A. No.

Q. Did, you, at any time during those years, have an overall picture of the developments in the chemical field within or outside of Farben?

A. No.

Q. In what chemical fields did you have an all embracing insight into developments during the years 1933 to 1939?

A. I had real insight into the sulphuric acid and allied products because I was a representative of Farben in those fields. From 1943 on I was the chairman of the Sulphur Subcommittee of Farben, a technical subcommittee which is very appropriately described in Dr. Ter Meer's affidavit and I need not go into details about that.

Q. How did it come about that you in particular from the Ludwigshafen plant, and at such an early age, became the chairman of the Sulphur Subcommittee, and therefore became the expert of sulphuric acids of Farben?

A. You really must discuss that with the leader of the sparte. Actually, a certain relationship existed because Ludwigshafen was the original location of the sulphuric acid field for many years. My predecessor in charge of the inorganic department had invented the "contact" sulphuric acid process which was used all over the world later. He invented, at the time, this process simultaneously with the indigo synthesis and in doing so, he created one of the technical prerequisites for the production of the acid. Therefore, everyone looked upon Ludwigshafen as the logical production location of the acid.

Q. Before the war, had you worked in the sulphuric acid problems outside of Farben?

A. Yes, as an occasional honorary technical adviser for the Office of German Raw Materials and Synthetics in the later Reich Office for Economic Development.

Q. What was the cause for this advisory activity?

A. During the early time, it was only an expert evaluation of a number of inventive suggestions that came into this agency where I was asked for a technical evaluation. Later, I also had to give technical advice in the projecting of new sulphuric acid production plants; an example, for instance, is when a new synthetic fibre plant was to be built in Saxony, they needed a certain amount of sulphuric acid. Then sulphuric acid factory had to be built, and on that occasion I was asked, "What is the best basic raw material to start from in that field? What sort of technical processes is the proper one in this case? What machinery is needed?" That was approximately the contents of my technical advising activity put very briefly.

Q. Did sulphuric acid projects play a large part within the Four Year Plan?

A. I never had an insight into the Four Year Plan.

Q. I mean the Four Year Plan as a whole.

A. Yes, I understand. I have now been able to look into Prosecution's Exhibit 427 here in Nurnberg; that is EC-281 in Book 23, which contains the entire plan. From this document, I calculated that the sulphuric acid projects in it constitute approximately point one per cent of this plan. Therefore, I don't believe that any conclusion could be made about the political aims of the supreme government agencies from this plan.

Q. If I understand you correctly, you said point one per cent?

A. Yes, that is correct, point one per cent.

Q. Did you in this Reich Office for Economic Development have any office?

A. No.

Q. Did you hold any office?

A. No.

Q. Did you have the right to make decisions or give instructions?

A. No.

Q. Did you get any remunerations for your occasional advisory activity?

A. No.

Q. The prosecution submitted a document from which it is supposed to become evident that the so-called Fachbeauftragter--the expert for the Plenipotentiary for General Chemistry, for sulphuric acid and for other inorganic products--was you. The document is the Prosecution's Exhibit 475, Document NI-5934 in Book 22, on Page 19 of the English. Would you please define your attitude about that?

A. This Prosecution's Exhibit 475 is an organizational plan according to the status of the first of September 1943 in which I was actually supposed to be an expert, but in reality I never was given this appointment. I never executed this office, neither for sulphuric acid nor for fog or smoke screen agents, or for any other subjects that are contained in this plan.

Q. Can you confirm that or describe that in any better way?

A. Yes. If you look at Prosecution's Exhibit 463, NI-620, in Book 22, on Page 73 of the English, you will see there a letter of the Reich Ministry of Economics to the Gebochem, dated 30 March 1943--two days before the deadline. In this letter, it is said that for the inorganic chemistry field--that was part of mine--no experts were to be appointed at first. I assume that these two letters crossed in the mail; but I don't know for I never saw them. Probably that was the way it was handled.

Q. If I understood you correctly, the Prosecution's Exhibit 463 was a letter of the Reich Ministry of Economics to the Gebochem dated the 30 of March 1943 containing a decision of the Reich Ministry of Economics, so that you assume that the exhibit supersedes what was contained in Exhibit 475, that is the list of experts of the first of April. Is that correct?

A. Yes, that is correct. I consider it proof for the actual events as they really were.

Q. Dr. Wurster, before the war broke out, apart from the occasional honorary advisory activity for the Reich Office of Economic Development, did you undertake any other activity for Farben connected with the sulphuric acid field?

A. No. I am not quite sure about one point. From a certain period of time, I was a member of the Aufsichtsrat of the Duisburger Kupferhuetten, and I don't know any more whether that was '39 or '40, whether it was before or after the war broke out, because I have no more documents about it.

Q. May I ask you perhaps to tell the Tribunal very briefly what the Duisburger Kupferhuetten was? What its work was? What relations existed between the Duisburger Kupferhuetten and your personal field of work in Farben?

A. I would describe that enterprise as the central purchasing department for a large number of sulphuric plants for pyrites, which is their raw material. Many, many years ago in the last century, it was founded by a number of plants, and a number of these plants were the founder firms of the present I.G. Farben industry, and apart from this purchasing activity they also had to exploit the used up pyrites. Dr. Buchner, in his examination, described the task of this Kupferhuetten very well, and I cannot improve on his definitions. I believe that is sufficient.

Q. The indictment mentions several other positions that you held outside of Farben in the sulphuric acids field. First of these positions is the direction of the sub-group sulphur and sulphur compositions within the Economics Group Chemical Industry. I want to ask you first, were you in charge of this group before the war broke out already?

A. No.

Q. Then I must put to you that the prosecution interprets your activity in this sub group, on page 85 of the trial brief, and in this

period of time, '32 to '35, mentions your activity then, and in its opening speech, mentioned your activity in the sub-group sulphur and sulphur compounds in 1934 in connection with plans of Schacht for the industrial mobilization of Germany for the case of war. Would you please comment on that?

A. There must be a mistake in the interpretation of this affair. I had no positions before the war in any sub-group of chemical industry. The sub-group sulphur and sulphur compounds was created next to numerous other such sub-groups in 1943, and in 1944 I was officially appointed the chief of the sub group, ten years after the period mentioned by you just now.

Q. How many meetings were held in the sub-group, which was founded in 1943 under your chairmanship?

A. Two or three. The last one in my recollection took place in June of 1944.

Q. How had you conceived and executed your activity as chief of this sub-group in 1943?

A. These sub-groups were part of the so-called self-administration of industry, and there were a number of people from the industries concerned that were together from the sub-groups from the various industries. I would describe my activity of those times by saying that we helped each other in the extreme difficulties that arose during this latter part of the war. That was the essential result of my activity.

Q. I have one further question about the economic group chemical industry. According to Prosecution's Exhibit 506 in Book 24, Dr. Struss, on the 21 of August 1944 in a directorate meeting of Hoechst, reported that you, Dr. Wurster, I quote, "was to be called into the presidium of the Economic Group Chemical Industry for the time of absence of Dr. Ter Meer." Would you please define your attitude about that briefly?

A. Dr. Struss is probably mistaken. Around that time, that is August 1944, my worries about the factory, because of the serious air attacks, increased so much that I could not undertake any additional

COURT VI CASE VI
9 Apr 48-9-5-M-AEH-Gaylord (Katz)

duties. A few weeks later, by the way, in October 1944, I saw Berlin for the last time, because from that moment on I never left my plant any more in order not to leave the plant alone.

Q. Since you have now described to the Tribunal the positions that you held as a sulphuric acid expert within and outside of Farben, I want to ask you now as to what information you gained, by reason of your activity in the sulphuric acids field, about the level and character of German rearmament at the time before the war? Your Honors, for expedition of the trial, Dr. Wurster has made out an affidavit about his activity in the sulphuric acids field. This affidavit is Wurster Document 295 in Volume II. I offer this affidavit as Wurster Exhibit No. 4. The affidavit is on Page 17 in Document Book II, for Wurster. At this occasion, Your Honors, may I also submit Wurster Document 300 as Wurster Exhibit No. 5. This is an affidavit of Dr. Alfred Nagel, dated 15 March 1946. That affidavit is also in Volume II and is immediately following the previously mentioned affidavit of Dr. Wurster. That affidavit of Dr. Nagel confirms the correctness of the figures quoted in Dr. Wurster's affidavit. In Dr. Wurster's affidavit, Document 295, Exhibit No. 4, there is an appendix. This is a chart from which the production and the consumption of sulphuric acid for the entire German industry, not only for Farben, can be seen for the years 1936 to 1939. I should like to ask Your Honors to look at this chart, and I want to interrogate you, Dr. Wurster, on it and explain as an aid to the Tribunal how the entire consumption of sulphuric acid developed in Germany in these years before the war.

A. May I ask Your Honors to look at the four inner circles of the four larger circles? The numbers given in this inner circle are expressed in thousands of tons. One can see that the consumption moved from about one point six million tons to approximately two point two million tons in 1939.

Q. About the figure given in 1939, I want to ask you, does that also include the consumption for the four war months of 1939?

A. Yes. Of course, 1939 was somewhat influenced already with respect to the character of consumption.

Q. But even if one takes into account that 1939 was influenced to some extent by the four war months in it, these figures show a certain increase in sulphuric acid production, and therefore I ask you, do you know whether this development in Germany is an isolated phenomenon, or what can you say about the production of sulphuric acid in the other countries during the same period of time, as an expert in this field?

A. This development is by no means unusual. In my affidavit on Page 19 of Document Book II at the bottom, I have given some figures which show the development of the production of sulphuric acid in countries outside of Germany, and I have used for comparison 1929 and 1937. If Your Honors have these figures, then you can see at a glance that I have fixed the rate in 1929 at 100 per cent so that in 1937 one can see the percentage increases in the various larger fields. One did see that the development in Germany lags behind that development in other areas; that the production development within Farben certainly did lag behind in that period of time.

Q. How do you explain this increasing tendency of the production of sulphuric acid practically in the entire world?

A. Dr. Heintzeler, I want to make a few additional remarks before answering your question. On the next page of this affidavit, the development of '38 to '39 within Germany itself is contained. From these figures again one can see that I.G. Farben lagged behind in the development expressed in percentages, when these figures are considered from an absolute point of view. I can give you one more figure. The German production in 1939 was approximately two million tons. The production of the United States in the same period of time was approximately five million tons, and this perhaps answers your question, Dr. Heintzeler. The development of sulphuric acid went hand in hand almost as a matter of necessity with the development of the industry, almost to the same extent in which the production of coal is going hand-in-hand with the development of industry, because its uses are very versatile and the more a country can

develop its chemical industry -- and that is particularly true in the United States -- the stronger can it develop its overall production; since anyhow the years 1936 to 1939 were a progressive development of production all over the world, that of necessity caused the development in this particular product. I want to add something, Dr. Heintzeler, I can see on Page 22 of my affidavit, that is Page 22 of the Document Book, where there is another comparison made between the years 1913 and 1937. There you can see that the development of this key product of industry was very modest annually in Germany as compared to the rest of the world, and particularly to the United States. The figures are taken from official statistics.

Q. If I understand you correctly, then the development of the production of sulphuric acid in Germany and abroad practically on the entire globe was closely connected with the phenomenon that has already been repeatedly described to this Tribunal as the chemification of industry, is that correct?

A. Yes.

Q. May I ask you, Dr. Hurster, that with the aid of your chart you describe to the Tribunal into what channels the increasing production of sulphuric acid of Germany was diverted in those years before the war. Perhaps you might start your explanations by explaining the significance of the sulphuric acid for the explosive field.

A. For this purpose, may I draw the attention of the Tribunal to the fact that the figures in the outer part of the circle are percentages and that the sum total of these percentages would be 100.

Q. Do you mean the colored circles?

A. Yes. The employment of sulphuric acid in the explosive production is characterized in a brown shade. In 1936, it was five per cent; in 1937, it was eight per cent; in 1938, it was point four per cent, and in 1939 that was when the four months became apparent -- it was 11 point four per cent.

Q. It seems to me that the consumption of sulphuric acid for purposes of explosives production did increase before the war already according to this chart. Do these figures not seem somehow strange or conspicuous to you, and did you not have to conclude from this development of the consumption of sulphuric acid for explosives in order to make a conclusion about the aggressive war-like intention?

A. Not at all. In my colleague Kuchno's testimony on the 30 of March 1938, he has said very properly about this point that these figures are only the incoming figures, but that does not mean the actual consumption. The actual consumption is much smaller than the incoming figure because sulphuric acid is only an auxiliary product. The technical methods in the various explosives plants is very different. It varies. Therefore one cannot conclude anything from the figures of sulphuric acid shipped into these plants. For the rest, Dr. Kuchne said very properly that all safety sulphuric acid figures are included for mining, for road construction, for blasting and for reconstruction in the big cities.

Q. During the Third Reich, did one need explosives for reconstruction?

A. Yes, almost half the cities were leveled for reconstruction during that time. I tried to get a picture about those figures in the rest of the world as far as I was able to get access to documents. Your Honors will find these comparative figures on page 22 of Document Book 2, in which my affidavit is contained. I don't think I have to quote those figures here. I took the figures of the United States because they might give a good comparison industrially. One can see that they really were about twice as high as the German figures, which is not surprising since that country is much larger.

Q. You said previously that sulphuric acid was an auxiliary product for the production of explosives. Does that mean that sulphuric acid is not contained in the finished explosive and that it is only used in the production of explosives?

A. Yes, that is correct, and, of course, certain losses occur in the amount of sulphuric acid.

Q. You said that from the consumption of sulphuric acid of an explosives plant one could not make any conclusion about the size of its explosives production. Did I understand you correctly that the reason why that is is the fact that the sulphuric acid is run through and then used again in some plants and that in other plants it is not so again used according to the individual methods employed in the plant.

A. That is exactly the way you have described it.

Q. In summary then, you are of the opinion that the sulphuric acid does not have any particular warlike characteristics.

A. I am of that opinion.

Q. Then I must put to you, Dr. Wurster, that the prosecution submitted, as their Exhibit 602, EC Document 144, in Book 34, page 19 of the English and page 70 of the German. It is a draft entitled, and I quote, "Progress in the Supply of Chemical Raw Materials Since the Seizure of Power in 1933, Particularly by the Four Year Plan." In that draft, bearing the date of 15 February 1939, sulphur and sulphuric acid are also contained,

and it is pointed out that the sulphuric acid is indispensable for the powder and explosives plants. The prosecution, when submitting this document, pointed out that this was a document from Farben files. Did you, Dr. Wurster, have anything to do with this document?

A. No, I believe I can explain it very quickly. The document is not signed, and one can not recognize directly from what source it comes -- what files it comes from. But from a remark on the first page, "15 February '39, Major Huff, signed THI" -- from this remark one can identify the document. If one compares it with Prosecution Exhibit 229, then the same handwriting is also to be found, a certain man THI, and this was apparently a a Regierungsrat Dr. Thierker in the OKW. That leads me to conclude that he is the author of this Prosecution Exhibit 602 that I saw for the first time here, and it certainly doesn't come from Farben files.

DR. HEINTZLER: Your Honors, since the defense of Dr. Wurster wants to clarify the error that this Document 602 is not a Farben file, I ask the Secretary General to bring along the two originals of these documents and that may perhaps give Your Honors an opportunity by comparing the two documents, to determine that they really were written by the same person, Mr. THI. It is sufficient if Your Honors look at page 1 of both documents when you compare the signature or the initials. From Exhibit 229 one can see that this man, THI, can only be this Oberregierungsrat Thierker from the OKW.

THE PRESIDENT: Will the prosecution agree with the conclusion reached by counsel for the defense and provide us with a stipulation or is it a disputed fact?

MR. SPRECHER: Mr. President, I can certainly stipulate that the initials that appear are THI and that these initials would certainly appear to be those of Regierungsrat Dr. Thierker from the OKW. But without checking further I can't derive from that as to who actually did make the document. It is clear that EC 97 did come from the office of the Army, but I am not certain about EC 144. I will be glad to try to check that.

THE PRESIDENT: Perhaps counsel for the defendant, we might save some time and controversy if you are willing to let the matter pass until the prosecution reaches its conclusion.

DR. HEINTZELER: Yes, Mr. President, I am quite in agreement with that.

BY DR. HEINTZELER:

Q. Then I want to ask you only one more question about this document, Dr. Wurster. What is your attitude about the contents of this Prosecution Exhibit 602?

A. One can't say very much about it because it deals with a very large subject matter and on only five pages, and therefore it only deals with things very superficially. Mr. Thiercer, in his capacity as a soldier, looked at everything from the narrow point of view of the military. At any rate, it was interesting for me to see that he emphasizes particularly the significance of sulphuric acid for the synthetic fiber industry and for the fertilizer industry.

Q. Perhaps we can use this opportunity for you to explain to the Tribunal, with the aid of the chart, the development of the consumption of sulphuric acid for the other field, apart from the explosives field.

Q. Would your Honors please look again at the colored sections of the circle. I will only quote a very few numbers. The large green part of the circle, containing about twenty-five percent, is nitrogen fertilizer. Right next to it, approximately fifteen to twenty percent, in light brown are phosphoric acids and phosphates, also fertilizer. Roughly speaking almost one half the consumption of sulphuric acid is diverted into fertilizer production, and thus it becomes clear that the red section of the circle, which in 1936 bears the figure of 8.5 -- in that year one can see, '36, 8.5 -- and in the other years these figures increase. The absolute increase is even higher because the absolute production is higher. That is synthetic fiber and rayon. One can see how much sulphuric acid was used up in this product. I might say in supplementation to this chart that that circumstance remained during the war. During the war

the synthetic fiber and rayon industry was the largest consumer of sulphuric acid and at one time the phrase was coined "as long as we can get sulphuric acid for these purposes the German clothing ration was saved." That was quite correct. I don't want to deal with the other multi-colored sections of the circle. They speak for themselves and are only a very rough subdivision anyhow of the very versatile use to which this product was put.

Q. Perhaps one might be interested in finding out to what extent Farben itself participated with their own inventions in sulphuric acid production before the war. Would you comment on that, please.

A. I might say in explanation that our investment policy in that field was a very reticent one, quite in agreement with Mr. ter Meer.

Q. Can you corroborate that and explain it? How do you know this?

A. I might give you two short indications. For one, I read in a document of our sulphur sub-committee of 16 March 1937, I quote: "Within Farben a too rapid expansion of the sulphuric acid plants was also warned against by Wurster and he stopped the credit applications accordingly." The second indication is Prosecution's Exhibit 750, NI 6728, Book 40, Page 94 of the English and page 120 of the German. That is a record about the so-called Monday conferences in the T.M. office in Frankfurt which took place on 13 February 1939. There Dr. von Nagel, one of my collaborators in the sulphuric acid field, says the following, and I quote: "When considering the production of sulphur products, one finds that Farben did not increase its production of sulphuric acid as did the other producers of that material in the world and in Germany. This characterizes Farben's program as a minimum program of production."

Q. Your first quotation, Dr. Wurster, referred to a meeting of the sulphur sub-committee of 16 March 1937. I don't know whether any attitude is defined by the sulphur sub-committee would be considered decisive in that connection. After all it was only a sub-committee.

A.- Yes, it was only a sub-committee, but the manner of work in Farben was so that these sub-committees resolved decisive matters in their discussions. It was said here repeatedly that boards such as TEA and the Vorstand only could have a coordinating effect, and thus the practical method of work was such that when my committee worked on credit applications, I was personally responsible to the TEA. The manner of work in these commissions was always the same way. The chairman was the "primus inter pares". That you can see from the fact that when I became a chairman I had not yet been a Prokurist and there were certain directors even in the commission. But the chairmen of these commissions were responsible to the TEA and the Vorstand. If I had any project or plan to submit from this committee, that meant that the TEA and the Vorstand would say yes to our proposal. That was the practical method of work. I believe that coincides absolutely with what ter Meer said about the method of work in these commissions.

Q.- Dr. Wurster, if I compare two facts which you testified to, then I must ask you one more thing. You said at one time that the consumption of sulphuric acid in Germany before the war increased. Later you said, that is just now, that Farben itself exercised a very reticent investment policy in the sulphuric acids field. Then considering these two facts together, did they not have any effects on the sales field of sulphuric acid? Wasn't it true that the sales volume of Farben in sulphuric acid became smaller as a matter of necessity?

A.- Yes, that is correct. That was the consequence. A certain part of our production as such was also destined for sales — approximately one-third in the order of magnitude. Two-thirds we used ourselves. Since the development was such, it resulted in the fact that we became more and more reticent in supplying third parties in our sales, because after all we produced sulphuric acid for our own plants. In that connection may

I draw the attention of the Tribunal to page 29 of my affidavit. This is a list which speaks for itself. In the second list one can see that the supplies of Farben to third parties, that is to outside plants, including the explosives plants and including DAG, was always decreasing. In those years, we worried about maintaining our normal business and to supply sulphuric acid to our normal business and to decrease, wherever we were not so much interested. This resulted in frequent frictions with the authorities before and after the war, who were not always in agreement.

Q.- Only with authorities?

A.- No, also within my own organization. A typical example for such a friction is Prosecution Exhibit 1940, NI-13571, which the Prosecution submitted on 3 March 1948, during cross-examination. You, Dr. Heintzeler, have tried to show the connections of this prosecution document on the basis of contemporaneous documents, and I do not want to explain the connection orally here. I think the documents show for themselves that we considered the supply to DAG and to the explosives plant as a disagreeable attachment. The fact that Mr. Gajewski was called into the discussion at the time was because he was afraid for his synthetic fiber. We had certain reductions in our sulphuric acid and I took up contact with the three leaders of the Sparte about our method of procedure and Dr. Gajewski sent his cellulose fiber expert, Dr. Esselmann, who saw to it that he got his sulphuric acid so that he could produce his synthetic fiber. For the rest, I want to refer you to the documents.

Q.- In order to emphasize the significance of sulphuric acid for war, the prosecution pointed out on page 28 of its trial brief that in 1937 Farben began operating a new sulphuric acid plant which was built only for the purposes of the Wehrmacht and which had to work for the case of war. In that connection the Prosecution referred to NI Document 4498, Exhibit 601, Book 34, page 18 of the English and page 28 of the German. Would

you please comment on that very briefly.

A.- I have the impression that the prosecution is confusing two things. This Prosecution Exhibit 601 doesn't refer to a sulphuric acid plant, but only to a few absorption machines and concentration machines situated close to two sulphuric acid plants in Wolfen and Doobe which existed for many years. I assume that the Prosecution is thinking of the gypsum sulphuric acid plant Wolfen which is treated in Prosecution Document 601. Those are not new plants which commenced operation.

Q.- Those absorption and concentration machines mentioned in Exhibit 601 refer to so-called oleum, concentrated sulphuric acid plants.

A.- Yes.

Q.- I want to deal with this briefly. Can you describe to the Tribunal briefly, with one sentence, what oleum is and what it is used for.

A.- One of my colleagues has coined a very good phrase. He said it was an overconcentrated sulphuric acid. Its use is very versatile -- pharmaceuticals, dye-stuffs and explosives, -- but within the consumption of Farben itself only a small fraction was diverted to the explosives field and by far the predominant part was diverted to other channels of consumption.

Q.- In the case of these oleum plants mentioned in Prosecution Exhibit 601, and also in the trial brief, were they any object that was important for Farben? How high were the investments in that case?

A.- I believe altogether it was about one million Reichmarks.

Q.- At that time did you have knowledge of the expansion of this oleum plant according to Exhibit 601.

A.- I didn't know about the contract itself because it was probably treated as secret. But later, already before the war, I knew of the existence of this plant.

Q.- I want to deal briefly with the gypsum sulphuric acid plant in

Wolfen which is mentioned in Prosecution Exhibit 602, and which the Prosecution again mentioned on page 26 of the trial brief. May I ask you first to tell the Tribunal, with a few short words, what gypsum sulphuric acid is.

A.- That is normal sulphuric acid, but it is produced from the raw material gypsum. My colleague, Kuehne was able to make statements about it himself.

He is the inventor of this very interesting process which was later given his name. The final product is exactly the same whether I derive sulphuric acid from gypsum or pyrite, which is the more normal course.

Q.- What do you mean by normal course. Do you want to say that the gypsum sulphuric acid is something abnormal or is it only a reference to the historical sequence of the existence of these two processes.

A.- That is correct. Only after the development work of Dr. Kuehne one was able to use the raw material gypsum for this purpose.

Q.- Did this process of producing sulphuric acid from gypsum have any armament characteristics or would the construction of the Wolfen Plant have been interesting from an economic point of view also and would it have been carried out also if there had been no rearmament in Germany at all.

A.- We would certainly have carried out this construction of the plant. We considered the construction of this plant very carefully. The discussion about it began in 1934. It was decided in 1936, and it began to operate in 1938. It was a very clear prerequisite had been demanded that it should be economical, and you will introduce a contemporaneous document which will show that the operation of such a plant in Central Germany was more economical than a plant on the basis of pyrite. I remember another example. I was asked for technical advice by some authority for the construction of a gypsum sulphuric acid plant in Western Germany. That was in 1939 and I came to the conclusion that it was not economical there because

there the pyrite is more economical and can be transported there with more favorable freight rates. You will show in documents, that my attitude was opposed at the time. At any rate, in these fields we did not endeavor to get a self-sufficient policy at any price.

Q.- May I interrupt you. How about the raw material pyrite in Germany?

A.- It's very scarce in Germany and the amounts all over the world are limited. They are not going to last very much longer. It's interesting that the American sulphuric acids industry, which originally was working completely on the basis of pyrite, gradually reconverted to elementary sulphur which is more cheap in America, than transporting pyrite from Spain to America.

Q.- Did the foreign countries interest themselves in the process for the production of sulphuric acid from Wolfen?

A.- Yes, Mr. Kuchne already testified about it. Two plants were already in operation in England and France and subsequently a number of other plants were added. If I summarize, in the case of Wolfen, what you asked me in your last question was one of the most important arguments. We wanted to grant licenses but we could only do so if we could show those people something because the pilot plant of Mr. Kuchne was much too small to show anything; the one he operated at Leverkusen.

In summary, I believe I am quite correct when I say that the gypsum sulphuric acid plant in Wolfen did not supply one kilogram of sulphuric acid for an explosives plant because we didn't produce any oleum. That was impossible for certain technical reasons which I am not going to go into here.

Q.- One last question: did you show this Wolfen plant to foreign interested parties?

A.- Yes. In December 1938, for instance, we had French visitors from St Paul. With these people ter Meer and I negotiated. They were very much interested to take out a license for the production of another plant in France.

Q.- I can conclude this subject of gypsum sulphuric acid and turn to a few questions dealing with the stockpiling of pyrite in the years before the war broke out. The prosecution referred to this stockpiling in their submission of evidence and offered a few documents. My first question about the question of stockpiling is the following:

Before 1933 in Farben and in Germany generally did one keep a certain amount of stores in pyrite and if so then please describe the reasons why that was done briefly?

A.- Such stockpiling was always customary, mainly because of the transport situation. Very large amounts were needed which one normally trans-

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Before 1933 in Farben and in Germany generally did one keep a certain amount of stores in pyrite and if so then please describe the reasons why that was done briefly?

A.- Such stockpiling was always customary, mainly because of the transport situation. Very large amounts were needed which one normally trans-

ported by water and especially on the Rhine we experienced again and again that the winter caused a lot of worries. In that respect I remember the winter of 1929, for instance, when the Rhine was frozen over completely and when we were in difficulties in Ludwigshafen. My department chief at the time was very economical all the time and at the time Leverkusen had to ship this stuff by railroad. Mr. Kuehne was a little more liberal and magnanimous and he also fought for having at least a supply for six months. That was correct; that was the proper course of action.

Q.- About the subject of stockpiling of pyrites, the prosecution submitted document EC-128, Exhibit 716, in Book 38. Under Paragraph 9, one can find the following sentence; I quote:

"The I.G. Farben Industry has been caused to carry out an additional stockpiling of pyrite during the winter."

Would you please comment on that sentence?

A.- It is correct that during the winter of 1934 and 1935 small amounts of pyrite were stockpiled upon the request of the government in Central Germany but I believe this very prosecution Document 716 shows that one certainly didn't think of a war of aggression in connection with the stockpiling. May I quote two brief passages from the document and, before I do so, may I say that the document is a report of the Reich Ministry of Economics dated 30 September, 1934? Now I quote:

"For an indispensable chemical intermediate production -- namely, sulphuric acid -- pyrite is the starting production, its production in Germany in an endangered territory, Westphalia."

Q.- May I interrupt you? Would you please describe the geographical location of Westphalia? Is it to the east or to the south of the Ruhr area?

A.- It is to the southeast of the Ruhr area, isn't it?

Q.- At any rate, it is more in the center of Germany and the Ruhr.

A.- Yes.

Q.- And, nevertheless, that area was called "endangered."

A.- That is what the document says, the second brief quotation:

"Today we must expect to be pushed back in our own country and even perhaps to lose most valuable industrial territories in the East and in the West."

If I read that today, that doesn't sound like a preparation for a war of aggression.

Q.- Is their Exhibit 749 the prosecution submitted in Book XL a strictly confidence correspondence between an I.G. director, Westphal, in Berlin and the army ordnance office, dated 1934 and 1935? From that correspondence and particularly from the letter of Farben dated 14 January 1935, one can see that for Doerberitz and Krucmel altogether 25,000 tons of Pyrite were stockpiled. Would you please comment on that?

A.- I assume that in the case of this correspondence and in the case of these 25,000 tons of pyrite it was the stockpiling objects mentioned in the previously referred to Document 716. I didn't see this correspondence before that time but I consider it very probable that I did receive knowledge of this storing in our commission. I don't remember this exactly any more. If that was the case then this stockpiling didn't permit me to make any conclusions about the intentions of a war of aggression. Germany's entire consumption of pyrite at the time was around 1,000,000 tons. Approximately 80% was imported from the foreign countries. That is 800,000 tons and these 25,000 tons when compared with that is only a very small number.

Q.- You mean the annual figures?

A.- Yes, these figures are given annually.

Q.- How do you explain the fact that on page 45 of the trial brief the prosecution says about this correspondence that in October 1934 Farben began to send every month to the army ordnance office and later to the military

economics staff report about the stockpiling of the stores of pyrite that they made.

A.- I believe the prosecution doesn't see the proper ratio of these amounts. This correspondence about the 25,000 tons was approximately stopped after the 25,000 tons were collected. At any rate, I don't remember that we made monthly reports thereafter.

Q.- In the case of this Exhibit 749 the prosecution mentioned, besides the correspondence of August about 25,000 tons of pyrite, a letter of the army ordnance office directed to you, Dr. Wurster of the 21st of September 1937 where the following sentence is contained; I quote:

"The regulation issued by the supervising authority, according to which the stockpiles of pyrite in Ludwigshafen are to be decreased, was caused by us -- that is, the army ordnance office -- since Ludwigshafen is situated in the dangerous borderline territory and, therefore, it is impossible for reasons of military economy to stockpile pyrite to an extent which exceeds normal stores to a great deal,"

Is it correct, Dr. Wurster, that in 1937 pyrite stocks were stored in Ludwigshafen which exceeded the normal stockpiling by far?

A.- This expression is exaggerated. We made our stockpiles only upon the desirable six months; that is to say, we had a store which would last us for six months because we wanted to make experiments of storing large amounts of pyrite out of doors. At the time we had good opportunity to do that because our purchase of the Duisburg Kupferhuetten at the time offered a lot of pyrite to us for storing.

Q.- Would you please briefly explain what caused this offer about the storing of a certain amount of pyrite?

A.- That was around the time when the civil war in Spain took place. One was concerned on the one hand that the supplies of this basic raw material might be interrupted by the development and on the other hand the

government authorities issued instructions of buying up larger amounts because the foreign exchange situation between the two countries was such at the time that Spain owed us money and one was to exploit this circumstance while purchasing raw material. This gave cause to the Duisburg Kupferhuette to take in large amounts.

I participated internally in such a negotiation and we decided at the time, since a large expenditure was involved, that these stockpiles were to be used up in the course of five years and that the new stockpile should be smaller ones.

Q.- That was decided at the time? Within what period of time were these stockpiles to be decreased and used up?

A.- It was planned to decrease within five years an amount which was to come in over a period of three years.

Q.- Dr. Hurster, perhaps you can answer the question as to whether or not the stockpiles of pyrite were decreased. How large were these stockpiles by the time the war broke out in 1939?

A.- "When the war began we had supplies for five to six months, quite normal supplies."

THE PRESIDENT: Counsel, it is almost time to recess. Permit me to say that at the request of Judge Crawford permission is granted for the defendants Ilgner and Gattineau to attend a commissioners' hearing this afternoon if they so desire.

The Tribunal will now recess until one-thirty.

(The Tribunal adjourned until 1330 hours, 9 April 1948.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 9 April 1948)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: You may continue, Dr. Heintzeler.

DR. HEINTZELER (Counsel for defendant Wurster): Your Honors, I have only a very few more questions on Count I.

CARL WURSTER - Resumed

DIRECT EXAMINATION (Continued)

BY DR. HEINTZELER:

Q Dr. Wurster, I last asked you about the letter of the Army Ordnance Office to you, dated 21 December 1937, which is in Prosecution Exhibit 749, and you explained how the stockpiling of pyrite during the Spanish Civil War came about. Now, I want to ask you: Was this stockpiling exclusively a Farben matter or did the other pyrite consumers in Germany also participate?

A All consumers participated and the I.G. Farben industry, too.

Q From your work, do you know that the disturbances to the Spanish economic life through the civil war led to the endeavor in other European countries to become, to a certain extent, independent from the supply of Spanish pyrite?

A Yes. This effort was very intensive at the time in several countries. I recall, for example, that we had inquiries about licensing our gypsum pyrite process from England, France, Switzerland, Rumania, and you will introduce a document - if I remember correctly - a temporary document which shows that St. Gobain in France made this inquiry.

I may add there were other economic considerations in these countries because of increased prices. That was also a reason for any other processes.

Q You mentioned that Farben's pyrite supplies between 1937 and 1939 were reduced again and that when the war broke out in 1939 the supply amounted to about five or six months' requirements. Is that a normal supply?

Commission hearing
9 Apr. A. filed after
trans. 12 Apr. A.
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A Yes. One can call that normal for Farben. I said this morning this was the figure that we aimed at.

Q I now come very briefly to the smoke screen agents. There is a document which mentioned that you were supposed to be the head of the working committee for smoke screen agencies. Is that correct?

A Yes, sir.

Q And when was that?

A At the end of 1942 or in 1943. I am not sure - about that time, from then on, I mean.

Q It was only in the later course of the war?

A Yes.

Q Will you please tell the Tribunal in a few words what a smoke screen agent is, what it is used for?

A It is not any particular chemical substance. It is a physical mixture of sulphuric acid and a sulphuric acid derivative, and if these two substances are mixed they form a smoke screen on contact with air. In the latter course of the war this acid was used to protect certain objects from being seen by airplanes - for example, railroad stations or industrial facilities. This was a defensive measure for a time; that is true. When this method of defense had already been made obsolete because of the radar in the hands of the enemy, actually it was more or less theoretical.

Q Now, Dr. Wurster, in an affidavit, Prosecution Exhibit 707, Book XXXVIII, there is reference to a smoke screen agent and it says - I quote:

"Sulphyric acid is also used for smoke screen agents and in this field Farben was virtually the only producing firm."

What do you have to say about this?

A Dr. Struss was very much mistaken when he said this. Farben produced almost no smoke screen agents before the war. Later, during the war, Farben's share of German production was less than a third. Two thirds were produced by non-Farben manufacturers. I found a Prosecu-

tion document proving what I just said; that is Exhibit 708, NI-8595, Book XXXVII, English page 104, German page 118. This document lists the various German producers during the war.

Q By way of illustration of the importance of smoke screen agents in comparison with the entire field of sulphuric acid, I want to ask you what proportion of sulphuric acid production was used for this purpose.

A Very little, about 2%.

Q Did you personally, before the war, have anything to do with the production of smoke screen agents?

A No, only from this time on, when I was in charge of this working committee, 1942 or 1943.

DR. HEINTZELER: Your Honors, I have now finished the examination on Count I and Dr. Wagner will take up the questions on Counts II and III.
BY DR. WAGNER (Counsel for defendant Wurster):

Q I come to Count II, Dr. Wurster. The Prosecution has submitted the following documents: Exhibit 1221, NI-8165, Book LXI, English page 36, German page 54, and Exhibit 1222, NI-8164, Book LXI, English page 38, German page 57. These are two letters addressed to you, speaking of the intention of leasing and operating an oxygen plant in Dietershofen in Lorraine through Vereinigte Sauerstoffwerke, Berlin.

Do you know what the background was of the letter of Director Ludwigs, Sales Combine Chemicals, Frankfurt, of 27 December 1940? Do you have the document before you?

A Yes, I do, and I am acquainted with the contents but to explain this letter one would need the enclosure which was not submitted by the Prosecution. Director Ludwigs asked me in this letter to support efforts of the Sauerstoffwerke and in the second paragraph of the circular of the 23rd of May the sense in which he wants me to support their efforts is indicated.

I may add that the Vereinigte Sauerstoffwerke, as far as I know, was a community project of Linde, Munich, and Farben and that it was

engaged in the sale of oxygen. As this circular is not attached and I cannot say from my own memory what it said, but I do recall the following:

In the beginning of October 1940 I was in Metz and had a talk with the agency of the chief of the civilian administration on a different matter.

Q What matter was it, Dr. Wurster?

A The chief of the civilian administration for Lorraine was simultaneously governor of the Palatinate and, therefore, competent for our plant. The president had the urgent desire that Farben should take over a chemicals factory of the Societe Anonyme, Kuhlman, in Troyes and Lorraine. Farben - and especially the Chemical Sparte, in agreement with me, was against the acquisition of this plant by Farben and I had undertaken to tell the chief of the civilian administration in Metz about our decision and after that this plant was not acquired by Farben.

Q That was the reason why you were consulting with the chief of the civilian administration?

A Yes. I negotiated with a Dr. Decker of that office, and after this conversation I went to lunch with him. I remember that very well, and I met there a man from the Vereinigte Sauerstoffwerke. He came in with another official and sat down at our table and told us that these two had been talking about leasing an oxygen plant at Ludwigshafen. It was because of this chance meeting, as I remember it, that the conversation mentioned in Prosecution exhibit 1321 took place. That is the discussion of 8 October 1940.

Q And why do you believe that Dr. Ludwigs wrote this letter to you? This letter of 27 December 1940?

A Actually I had nothing to do with oxygen questions. That was not in my department. He wrote to me because he knew that the authorities of the civilian administration were identical with the authorities who had jurisdiction over this matter.

Q And what did you do?

A I see from Prosecution exhibit 1222 that I wrote to the chief of the civilian administration.

Q Do you remember what you wrote?

A No. I cannot remember that exactly.

Q Did you have no misgivings about complying with the request of Dr. Ludwigs and of passing on the letter?

A I did not want to refuse a favor, and besides, I could quite understand that in taking over an economic area, one needed oxygen, primarily for welding, repairing bridges, railroads, machines and so forth.

I may perhaps give a brief example, something which I myself later experienced. When our Ludwigshafen plant, at the end of March 1945, before the capitulation, was occupied, within the first few days of the occupation a representative of the American Army, a Major Euler, came to me. He belonged to an organization called "Conet" (sp?). Mr. Euler asked me how quickly would we be able to produce oxygen to satisfy the needs of the Army,

and he said, "You want to have a bridge over the Rhine, don't you? Well, for all these things we need oxygen." He inspected the plant and then immediately started operating. That was the beginning of April 1945.

MR. SPRECHER: I feel obliged to object to this line of questioning, and ask that it be stricken. The requirements for oxygen, nobody denies. It is the purpose of Dr. Wagner to ask whether or not, with respect to the charge of the spoliation of the economic portions of occupied countries, it was to increase German war potentialities. I cannot see any possible connection.

DR. WAGNER: Mr. President, I cannot understand the purport of this objection. My client is describing the circumstances and motives which influenced him to a certain action which is brought up in a document. One cannot say that this is irrelevant and I am asking, in my next question, what the Prosecution is waiting to hear.

THE PRESIDENT: We will see what it is about.

BY DR. WAGNER:

Q Dr. Wurster, I ask you again. Did you have any misgivings about complying with the request of Dr. Ludwigs to pass on his request and perhaps to cooperate with him in interfering in foreign property?

A As I recall the matter, that wasn't what it was. The situation was that there was an acute shortage of oxygen in that district which could only be satisfied by the Vereinigte Sauerstoffwerke. It was to be built with its own money, and its own machinery, in Dietenhofen. That was my recollection. Actually, I was not connected with it.

Q Did you have anything more to do at all with the matter?

A No. Neither Dr. Ludwigs nor the German authorities informed us of the course of events.

Q Do I understand you correctly if you say you were not a partner in these negotiations?

A No, I was not.

Q This concludes this matter. I now come to the trip where you accompanied Dr. Pohland to inspect some chemical plants in Poland. How did it come about that you accompanied Dr. Pohland there?

A I was asked by Dr. Pohland, who was an Oberregierungsrat in the Reich Office for Economic Expansion of Inorganic Chemistry to accompany him on an inspection tour of chemical factories in Poland as a technical advisor. He came to me because he knew me from some conference which we attended on sulphuric acid.

Q Did you accompany Dr. Pohland in your capacity as a representative of Farben interests?

A No.

Q Was your trip in any way connected with safeguarding Farben interests?

A No. Not at all.

Q Are you aware, Dr. Wurster, whether representatives of other branches of industry accompanied Reich officials on such inspection trips?

A Yes. I know, for example, that representatives of the Solvay-Concern, Kernstoff, Metallgesellschaft, just to give a few examples.

Q Dr. Wurster, there is a draft of a report on this trip which you sent to Dr. Buerger several weeks later. This report is in Prosecution Exhibit 1134, NI1149, Book 55, English page 34, German page 54.

A Yes.

Q Since this exhibit is only a draft, did you ever send a final report to the authorities on whose behalf Dr. Pohland made the trip?

A As far as I can remember, I think that is impossible. For one thing, I would not have had a draft weeks after my return from this trip. Nor would I have a document which I called a draft in my own handwriting.

Q After this trip, did you have anything to do with negotiations concerning the leasing of acquiring of Polish chemical factories?

A No.

Q You know that the Prosecution, in this trial, has charged Farben with the acquisition of three chemical factories in Poland, calling it

spoilation and exploitation. These are Wola, Winnica and Boruta. Did you ever visit Wola?

A No.

Q Did you visit Winnica?

A No.

Q Did you visit Boruta?

A Yes, briefly.

Q Is there only one factory called Boruta?

A No, you can see from my report that there are two factories which belonged to the company. I was, for a short time, in one of these factories on an official trip.

Q And the final question on this subject. Did you have anything to do with the acquisition of Polish factories in Poland, Wola, Winnica, or Boruta, by Farben? Did your trip have any connection with the acquisition?

A No.

Q I come to another point. In connection with Count II of the Indictment, there is a letter from the Inorganic Department referring to the sales combined Chemicals, dated 13 September 1941 in which you are mentioned in the distribution list.

Your honors, this is Prosecution exhibit 1568, NI-6730, Book 64, English page 36, German page 61.

What do you have to say about this, Dr. Wurster?

A From my own recollection and my own knowledge, I cannot testify about this development. I believe it can be best seen from Document 64, Buergin exhibit 38, Buergin Book 1, page 36, and I should like to refer to this exhibit.

Q Your Honors, I have finished my questions on Count II. I go on to the other counts, Count III.

Dr. Wurster, when did foreign workers come to work for you in the Ludwigshafen plant for the first time?

A I said yesterday that that was before the war. They were especially Italians and Poles. That was before the war.

Q And what about after the outbreak of the war?

A The outbreak of the war put us in a difficult position so far as obtaining labor was concerned. As I said when speaking of Count I, up to the outbreak of the war the plant had no mobilization plan to speak of. Therefore an unusually large proportion of our employees were called to the Wehrmacht. In proof of this statement, I may refer to Prosecution's exhibit 1335, NI-6285, Book 69, English page 21, German page 29. Those are the minutes of a Directorate meeting in Ludwigshafen and I should like to quote just one sentence.

"The proportion of those drafted to the total number of old employees is about 14.5%, which is a high proportion in Farben"

This means that a quarter of a year after the outbreak of the war we were not yet able to overcome these difficulties.

Q How many people were actually involved? How many did the plant lose to the war?

A At the outbreak of the war, at one time we lost about 4,000 people, and this figure increased to over 8,000 in the course of the war. This figure is exclusively concerned with people being drafted.

Q Your Honors, before I ask my client any further questions, I should like to introduce Wurster Document 2, as exhibit No. 6. This document belongs in Document Book I, page 25.

Now, Dr. Wurster, how did the draft affect your plant? Perhaps you can explain that with the aid of the chart.

A It will perhaps be easier if the Tribunal looks at the chart and then I can explain the chart. On the vertical line at the left is the number of employees. The horizontal line at the bottom shows the number of employees from month to month the development from January 1938 to February 1945. The upper green line shows the total number of employees. To give an example, in the third month of 1940, the number of employees was approximately 25,000. Everything that is white on this chart represents

German workers. The lower columns are men and the top smaller columns are female German workers. The red columns are male foreign workers, and the blue columns the female foreign workers. One can now see the history of the employment of different categories of workers from this chart.

In August, September 1939, we can see a sudden drop. That is caused by the draft. Now, what did the authorities do to make up for this loss? First of all, they attempted successfully, to get German workers for us. I have already said that 4,000 people were drafted all at once. In spite of that, one can see after the first drop that the number of male German workers was increasing. These were conscription laborers from other parts of Germany, and once almost 2,000 came from Western border districts which had been evacuated. Simultaneously the authorities tried to get German workers, women, for us, and we can see at the top that the number of German female workers increased considerably.

Now, the employment of foreigners began in August, 1940, about one year after the start of the war.

Q That was rather late.

A That was, in part, because the labor authorities were at first able to get German workers, and also because our district had at first to be cleared for immigration of foreigners. As long as the fighting was still going on in the West, one considered that it was only after the first campaign in France was finished that foreign workers first came into the plant. That was in August 1940.

Q After the end of the war with Poland, 1939-1940, did you get some Polish civilian workers as many other German concerns in Germany did?

A No.

Q And what about the Polish workers that you were speaking about earlier, the ones that had been working in your plants for decades? Did you have to apply to these the regulations for deductions, etc.?

A Yes, we were obliged to. We were able, however, to avoid this on our own responsibility.

Q And when were the first foreign workers sent to your plant? You have already said that according to the chart it was in August, 1940.

A Yes.

Q Dr. Wurster, were these voluntary workers?

A Yes, entirely. A large part of these workers were called Ethnic Germans from Slovakia.

Q And they came voluntarily?

A Yes.

Q About how many foreign workers did you have about September 1, 1940?

A As the chart shows, we had about 1,500 foreign workers, and also about 500 Belgian prisoners of war who came, I believe in August or September 1940. I think it was in August.

Q How do you explain the remarks in the opening statement of the Prosecution that of 10,000 additional workers in Ludwigshafen employed during the first year of the war, 5,000 were foreigners and prisoners of war?

A I can explain that only in this way. The foreign workers and the workers coming from the other parts of Germany were added together. In this amount, all the people coming from the outside of the plant, were added together. I have said already that a large number of Germans were attached to our plant who did not live within the plant and the figure of 10,000 mentioned in the opening statement is not the number of workers acquired, but the entire turn over. There is always a certain fluctuation and change in a large factory, especially when conscription labor is used. If this 10,000 is an increase, this chart would have to show, in the ninth month of 1940, about 35,000, a figure which was not reached until about the middle of 1943.

In the Prosecution document, I have also found exhibit 1336, NI-6287, Book 69, English page 25, German page 32, that it is a record of 21 August

1942, and which is offered by the Prosecution. The Prosecutor said, and I quote, "It is reported that Ludwigshafen-Oppau, from the beginning of the second World War, employed 9,000 workers more than before."

One can see from this that it was only after two years of war that 9,000 additional workers were with us, and further, one can see that therefore the figure 10,000 after the first war year cannot be correct. The number of foreign workers after the second year of the war, on 1 September 1941, was actually 2558.

Q That is half of the figure which the Prosecution gave as being of one year after the outbreak of the war.

A Yes, that's right. I assume that there is a confusion between the number of workers and the turn over. And a confusion between the German words "auswertig" and "auslaendisch" the first meaning "not being domiciled of the place."

Q Can you very briefly, and in broad outline, tell us about the employment of foreign workers during the war? What were the further developments?

A First of all, there were German workers from Slovakia, and then there were others, especially Italians, and a large number of French voluntary workers. I don't believe I need to speak about the employment of French voluntary workers. That has already been gone into.

Q. We will deal with this in one of our documents. You may continue.

A. Then at the end of 1941 there were quite a few Croats. Perhaps I may refer once more to Exhibit 1336 which has been quoted, another point saying something about 800 Croats being expected. This document also says that the housing facilities, and I quote:

"...for additional German and foreign workers from out of town were prepared and conscripted labor from Baden and the Westmark were expected. Also a number of women from other labor offices who are to be housed in two homes."

One sees therefore that the Labor Office in the summer of 1941 was quite able to supply us with German laborers.

Q. Of course you were speaking about Croats. Were they voluntary?

A. Yes, exclusively.

Q. Then you are also speaking about women assigned by other labor offices. That means German women from German labor offices outside of the Palatinate, so that there may be no misunderstanding?

A. Yes, that is right, and that explains the increase in the size of this top white column on the chart, while, if I may add this now, the employment of foreign women began much later. One can see in the first months, about the summer of 1942, some very thin blue lines. These were mostly Frenchmen who had brought their wives or other relatives with them. While this column becomes wider only when the female Eastern workers came to us in the second half of 1942.

Q. Dr. Wurster, you said that by the end of 1941 workers from the foreign nations, -- you mentioned French, Italian, Croats, Slovaks -- came to you voluntarily. Are you really sure that these people were volunteers?

A. I am absolutely certain. We experienced many cases -- and you will offer documents about this -- that foreigners of various

nationalities applied specifically to the Labor Offices for work in our plants. Sometimes they applied to us directly, possibly because they had learned that they would be well taken care of in Farben.

Q. Then you had no inhibitions against employing these foreigners?

A. No, I see no reason why I should have had. The position was that very many foreigners applied for work in Germany at this time because they had been out of work in their own countries, some of them for years.

Q. How did you know that?

A. Well, we talked to the people, and one characteristic was that, to a large extent, their clothing and shoes were very inadequate and when we asked them about it they gave us this information. They said that they had been unemployed for many years and they did not have enough money to buy clothes.

Q. Did you help these people who were so badly clothed?

A. I believe I can say we made every effort to help in this field. Actually, clothing and shoes were rationed at this time in Germany and we obtained so many ration cards for these voluntary workers that the State authorities began to get worried and they reproached us for doing too much. In addition to that, we ourselves frequently had clothing collections, with rather good success and which contributed to this assistance. It was not too simple for our people, and it was all the more pleasant to discover that the collections had good results.

Q. Dr. Wurster, are you of the opinion that in the later course of the war too all the foreigners assigned to you were voluntary? First of all, let us disregard the Eastern worker.

A. I believe even today that throughout the war there was a considerable percentage of foreigners, even later, who came to Germany voluntarily. I do know, however, that from a certain time on, about 1943, labor conscription was introduced in other countries too, in part on the basis of treaties, and that such conscripted labor--non-voluntary foreigners--came to Germany and to our plant too. On this point I may perhaps ask you once more to look at this chart. For reasons which need not be

discussed, the red curve at the bottom shows that about this time the number of foreigners employed began to drop. I just want to mention that.

Q. That means that at the time, if I understand you correctly, from the time on when foreign countries introduced labor conscription and these people were sent on the basis of treaties?

A. Yes.

Q. Then employment in your plant was reduced again?

A. That is correct. In connection with circumstances which were in part outside of our influence, but that was the fact. And I still maintain that a large percentage of these workers, even at this time, were voluntary.

Q. Were you glad to have people come to you of whom it could be assumed that they were not voluntary?

A. Of course not. The idea of doing involuntary work seemed to me then, and now, something opposed to my whole philosophy of life. As long as possible, we attempted not to have such compulsion exerted. For example, I recall that there were letters, I believe you are going to introduce one such letter, stating that workers who had returned to France and who had broken their contracts to us should not be brought back. If I may perhaps add, because we didn't expect any results from employing such people.

Q. Dr. Wurster, in your district -- the Palatinate and Baden -- was I.G. Farben, the Ludwigshafen plant, the only factory which employed such foreign workers?

A. No, it was the same in all the other factories.

Q. Did you, Dr. Wurster, not have any opportunity during the later course of the war to prevent the employment of non-voluntary foreigners which you said you were not glad to see?

A. I did not have the opportunity to do so any more than any other German plant manager. I believe, Mr. Wagner, so much has been said

about this fundamental question that I don't really need to go into the consequences of a possible refusal, and so forth. I just want to say for myself, personally, just because I found it burdensome that the country to which I belong resorted to such measures during the war and because I could not change this fact, I endeavored all the more to make the life of the foreigners at the plant as pleasant and as decent as possible. That was the only thing that I could contribute on my own.

Q. Did you not endeavor in the later years of the war to get additional German workers instead of foreigners?

A. Yes, I tried very hard. I may remind you that this question was brought up in cross-examination by the Prosecution witness Stothfang in November—I don't remember the date.

Q. Thirteen November.

A. And he said that there were always German workers. Of course every plant took advantage of this opportunity. And I may ask you to look once more at this chart, Exhibit 6. I have already said that we had 8,000 German men who were drafted. In spite of that fact, the Tribunal will perhaps notice that the number of German men in this factory kept increasing in spite of that fact. I believe that is the best proof that we were constantly getting new German workers and that we took every one we could possibly get. Why we preferred to do so is stipulated by the Prosecution and the Defense, so I need not go into the motives.

Q. Looking at this chart, Dr. Wurster, one sees that the foreigners in May, 1943, reached the highest point and that then there is a constant reduction in the number of foreigners employed. How do you explain this phenomenon?

A. That is because the foreigners who left were replaced only in part by the Labor Commitment authorities.

Q. How was leave arranged in your plant?

A. Of course we were bound by the laws, but we tried to do whatever

we could in this direction. In studying contemporary documents we have found a few examples. I may perhaps mention the question of leave of such a team of locksmiths from a French firm. I don't know whether I should talk about the employment of teams.

Q. I don't believe so. I think that has been made quite clear to the Tribunal.

A. Sometime in 1941 such teams of French workers came from a French firm, and after three or four months they were allowed to go on leave for the first time. And since we wanted to help them we drew up a written complaint because these people were not allowed to use the express train from Ludwigshafen to Paris; some railroad official kept them off the train. I am only citing that as an example of how we tried to help them in all ways.

Another example is that in 1943, in the whole plant, we had a proclamation in French which shows that at that time we were still giving our French workers more leave than the legal provisions allowed.

I believe you are going to introduce this document, too. But this refreshed my own memory of our attempts to help these people.

Q. I must put to you another Prosecution document, Exhibit 1346, NI-2831, in Book 69, English page 66, German page 80. Do you have it?

A. Yes.

Q. The Prosecution submitted this document because it says that Ludwigshafen, with reference to its production assignments, refused to give up workers. On the 4th of November, 1947, when introducing this document, the Prosecution made the following remark, and I quote:

"The purpose of this document is not only to point out the significance of the Ludwigshafen plant but it can also be introduced in order to prove, in the opinion of the Prosecution, that Farben did not fear failure to agree with the Nazi and Government authorities when it was to its own interests."

What do you have to say about that?

A. First of all I may refer you to the date of the document; it is the minutes of a Directorate meeting at Ludwigshafen of 20 February, 1945, four weeks before our plant was occupied by the American troops. At this time there was actually no production at all any more in the plant; because of air raids and transportation difficulties the plant was

almost completely crippled. If we had let this be known outside, the consequence would have been that most of the employees would have been removed to other parts of Germany. They would have been called up for the Volkssturm. At this stage of the war I had only one worry, and that was to keep these people together in their own interests.

Therefore, we worked with these arguments. The air raid precautions in the plant were such that we could take the responsibility of keeping the people together. I must say in this connection, documents from this time have to be read differently than they do today.

I could not write in the minutes of a meeting--"We don't want to give up any more workers now because we want to keep them together." After all, there were relatively many people present, and part of the record went through the mails.

Q. Now, Dr. Wurster, the question arises: Was it so simple for you to convince the authorities that you needed all these people?

A. Normally it was not. The control was very severe, as will be shown later. But the air war had reached an intensity at this time so that the highest Party and Government authorities refused to come to Ludwigshafen any more, and we were more or less on our own. In this connection, I may perhaps say, I have the impression that, on the one hand, the Prosecution is reproaching us for having supported the outgrowth of Nazism, and again they reproach us with having dared not to agree with them because of our alleged good connections. One can't reduce this complicated situation to two such simple denominators. Under this dictatorship there were situations where friction was absolutely senseless, and there were other situations where one had to exert all one's influence, especially when it was a question of the welfare of others. I tried to do this, but I was not always successful.

Q. Dr. Wurster, I want to bring out Prosecution Exhibit 1344, Document NI-9091, Book 69, English page 57, German page 77. This Prosecution document was introduced by the Prosecution with the remark, and I quote: "What obvious influence Ludwigshafen and Farben had in

general to obtain more foreign workers and prisoners of war than the whole chemical industry..." That do you say about that?

A. This document is an example of a fact that an official control commission was put after us. This Mr. Kappahn, whom I am writing to, came from the Labor Ministry and called himself, I believe, Inspector of Labor Commitment Chemistry (Inspekteur Arbeitseinsatz Chemie). That was the name which had been invented. The Labor Ministry received a report from somebody or other that we had too many foreigners and prisoners of war, and that this had to be investigated. Consequently, we drew up material to prove the opposite. I regret very much that the Prosecution has not offered all of this material. I remember very well this visit, and I remember that we worked out a report which is mentioned in the letter "Supplementary Remarks," drawn up by Oberingenieur Hoffmann in which we presented the situation. And I remember very well that in this expose in the fall of 1943 we pointed out that our foreign workers, when their contracts expired, would return in large numbers to their homes. That was in October, 1943. I remember that very well. And we had asked in this connection that German workers be assigned to us, and we gave the customary reasons why we wanted Germans. That was the background.

Now, the Prosecutor discussed this table where the comparisons with the rest of the chemical industry are given, and the Prosecutor mentioned as an example that the entire chemical industry had four per cent prisoners of war; Ludwigshafen had five point seven per cent; and with foreign workers it was similar, our proportion was somewhat higher. The third reason why the Prosecution introduced this document was that less people had gone to the Wehrmacht from Ludwigshafen than from all of the chemical industry. Now, it is quite understandable. Figures given for the entire chemical industry here include everything, include the whole peacetime industry. They include the perfume production, the soap industry, detergents; quite a number of products which were still allowed, but which were not assigned any workers at all. They worked

with older people. The reason why the number of people that we lost to the Wehrmacht was lower than the whole chemical industry, on the average, was that, as I said yesterday, we were a relatively old plant. I believe I remember correctly that the average age of our German workers at this time was over fifty. I believe that is the reason for the divergence of these figures which, besides, is not very important. I don't want to waste time by discussing all these figures in detail. I should just like to repeat that the reason was that we were checked on. As for the influence of Farben in general, or Ludwigshafen in particular, that is quite out of the question. This development of the labor situation was absolutely necessary, and we had no influence on it.

Q. Finally, I refer to another Prosecution exhibit. That is 1345, NI-9092, Book 69, English page 62, German page 79. The Prosecution offered this document with the following remark, and again I quote: "That the personnel at Ludwigshafen from a low point in 1943 of about 5,000 rose to about 24,000 in 1943..." What do you say about that?

A. In evaluating this document the Prosecutor made a mistake. The various columns here are marked one upon the other. Consequently, both figures--5,000 as well as 24,000--are wrong. Unfortunately, my photostat is so poor--perhaps the Prosecutor had the same difficulty--that I cannot analyze these matters now. I certainly do not deny that the number of employees increased during this time, especially from '33 to '39, but it had nothing to do with preparations for war. I can perhaps best prove that by the fact that the Ludwigshafen plant is today employing 20,000 people.

Q. I now come to the Eastern workers. When did the first so-called Eastern workers come?

A. As I recollect, that was in the spring of 1942.

Q. Were these people voluntary?

A. Yes, they told us themselves at that time that they had been recruited by the German authorities; that they had applied themselves for work in Germany.

Q. Why did you believe at that time that these people had left their homes voluntarily to work in a foreign country?

A. We heard that the German authorities had made very extravagant promises to these people. I remember I was told for example, the first Ukrainians who were brought to the station accompanied by a band, that they came to Germany with the greatest of expectations. Reality in Germany was much different because of the ridiculous laws and the practice of the Gestapo, and it was a great disappointment to these people.

I should like to add, however, that neither the Eastern workers who worked for us, nor anyone else, ever told me about brutalities employed in the recruiting of Russian workers, the facts of which have now become known. I can only explain that by the fact that a number of Eastern workers remained more or less stable after the end of 1942 and that we were not sent any new workers, so that no new people came to us during the times when such brutalities allegedly occurred.

Q. And what was your reaction when you learned from these Eastern workers who had come voluntarily that they had been given such far-reaching promises by the authorities.

A. I tried all the more to do what I could for these people, but in the course of these long negotiations we have heard several times that there were very strict regulations for the employment of these Eastern workers.

Q. You had to observe them, did you not?

A. Yes, that's true. The regulations were extremely strict, but from the beginning we objected to the authorities about these regulations and we evaded them whenever possible. I may give an example. Four days after the first Eastern workers arrived we sent a complaint to the agency which had brought them, I was so indignant about this injustice. I believe that you are going to introduce this letter in evidence.

Q. What else did you do, Dr. Wurster, to improve the lot of the Eastern workers?

A. This question seemed to me so very important that I took special steps. One of my coworkers spoke fluent Russian, and was very familiar with customs in Russia. I released him from his work although he was in an important position, and for a time I had him working exclusively on the problems of the Eastern workers.

Q. What do you mean by that?

A. This man went right into their life. He virtually lived in the camp of the Eastern workers for months, and he was in contact with them from morning until night, and he was personally acquainted with all of their desires and worries. He reported to me regularly and after a few months he drew up a detailed report in which he demanded that all of the discriminatory regulations, the increased taxes, the prohibitions against free movement, the senseless demands for over 60 hours, different food rations, etc, be stopped.

Q. What did you do?

A. Without hesitating, I adopted some of his suggestions immediately on my own responsibility in the interest of the Eastern workers. In addition to that, I instructed my subordinates to get in touch with the competent authorities of the labor office, the police, etc, and to present our suggestions to them.

As an example, I may say that we were the first to take the sup-

rior responsibility for all of our eastern workers in the Palatinate, so that they were able to move about freely, without guards. I believe the entire population of Ludwigshafen could confirm that, that on Saturday and Sunday thousands of foreign workers used to go out into this beautiful and fertile country to get fruit and vegetables, and the Eastern workers went too.

We summed up in a report what could be changed only by official intervention and we sent out several letters to the Labor Ministry in Berlin in which we pointed out how impossible the regulations were. At no time did we let up in our efforts.

In Prosecution's Exhibit 1339, Book 69, English page 36, German page 51, the minutes of a Directorate Meeting for April, 1943, I found a passage stating that the new legal directions which had come out for the treatment of Eastern workers were so unsatisfactory, and I quote, "It is resolved to take new steps". I believe I can say today that it was due to these efforts, which as far as I know were undertaken by all Farben plants, which contributed to the fact that these discriminatory directives were gradually dropped.

I may refer again to the documents, which you are going to introduce so that I need not go into the matter any further at this time.

Q. Dr. Wurster, in the same minutes, Exhibit 1339, that you were just speaking about, there is another passage which the Prosecution read, and because it is so important I want to put it to you verbatim. I quote: "At the invitation of the regional Labor Office, the employment of male and female Eastern workers in our plant was checked, since we were threatened with an exchange for women from Lorraine if these people were not employed according to regulations. The check has shown that 85 per cent are listed as heavy and heaviest workers, and as swing shift workers, and the rest are used for special work because of special training, or are working in an especially dif-

ficult acid and especially dirty operations. Therefore there is no question giving them up."

I just want to ask you what this quotation I have just read, - how do you reconcile that with your testimony?

A. I recall this very well. This quotation shows again that there was another commission to check on us. We were always suspected of not keeping to these severe regulations, and this suspicion was not entirely unjustified. I may say a few words of explanation. For the terms, "heaviest workers, swing shift workers, workers in acid and dirty plants, etc." I believe that people who were not working in the chemical industry have a very wrong impression. These are concepts from tariff regulations existing for decades long before the Nazis. These tariffs were agreed upon between the Unions and the employers in a chemical factory. In our plant for example about 75 per cent of our people are on swing shift. The nature of our process does not permit interruption. We never had holidays, not even Christmas. A person who has never been in a chemical factory ought to see our plants on Christmas. There are about 500 Christmas trees in the plant because everything has to keep operating, even in normal times. It is simply not possible any other way.

Acid and dirty operations, and heaviest workers, these are something that are common today too. There is only one endeavor of a worker, and that is to get into this group because they get additional wages and also additional food.

It was the same during the war.

We learned of the control commission beforehand, and we instructed our Department to see to it that these categories are in order that is what happened. In practice, these Eastern workers were employed just like the Germans. That is the only way it can be in a chemical factory. No distinctions can be made.

THE PRESIDENT: It is time for a recess.

(Tribunal in recess for 15 minutes.)

THE MARSHAL: The Tribunal is again in session.

BY DR. WAGNER:

Q. I continue. Dr. Wurster, is the distribution according to percentages of the employees in your plant into swing shift workers, heavy workers, very heavy workers, workers in the dirty plants today—that is in 1947? You don't know it now but you did know it in 1947. In this distribution in 1947, were there only German workers there? Was this distribution approximately the same way as it was when you had foreign workers working for you?

A. The figures are stable because that is the way circumstances require it, and because the figures have to be determined on the basis of regulations.

Q. I have only one more question. At one time it was stated that the female eastern workers, among other places, were to be employed in such places of work that were not proper for German women.

A. This concept was an official definition by the authorities. This was to mean that German women were not permitted to be employed in swing shift work after the air raids had increased tremendously. The largest part of these women no longer lived in Ludwigshafen but out of town. They had to come in by railroad and there were unsurmountable difficulties because sometimes they couldn't return to their homes for 24 hours on end. The eastern female workers lived close by and didn't have such difficulties. That is the reason why this difference was made. German women who lived in Ludwigshafen, who didn't have to rely on the railroad, were also working in shifts during the war. I remember a large number of synthetic plants in which we had almost exclusively women working also in the night shift. That is the explanation for your question, if you read it somewhere.

Q. I have one more little question about the employment of eastern workers. The Prosecution quoted from their Exhibit 1376, NI-7110,

in Book 70, on Page 63 of the English and Page 120 of the German. I quote, "Ludwigshafen only distributed the bread after it was three days old in order to avoid stomach trouble." Did you consider this a discrimination against the foreign workers?

A. On the contrary, he who knows German bread knows that that was a welfare measure, a precautionary measure, and I personally introduced that same sort of procedure in the prison here for myself because the bread is unpalatable on the first day when it is baked. That method was not simple for us. We received from our camp kitchens almost every day 30,000 meals that we distributed, and it needed special efforts to have at hand a bread supply for three days constantly. That wasn't any ill-will, but it was actually good intentions.

Q. Your Honors, before I put any further questions, I ask your permission to introduce a number of documents. I offer as my first document, Wurster Document No. 7, which I offer as Exhibit No. 7, and at the same time I also submit Document 208, which is in Book III on Page 35. That will be Exhibit 8.

THE PRESIDENT: Dr. Wagner, in what book is Document 7, please?

DR. WAGNER: Mr. President, that isn't to be found in any book. We are submitting that document now. First of all, I shall submit my documents collectively and then I ask your permission to go back to each in turn. I further offer Wurster Document No. 6 as Exhibit No. 9.

THE PRESIDENT: We are helpless, Doctor, unless you indicate the books.

DR. WAGNER: Yes, I shall do that now. That is to be found in Document Book III, on Page 39. The little pamphlet that we are handing to you is the appendix to Document 6, Exhibit 9.

The next document will be Document 15, which I am having handed to you. This will be Exhibit No. 10. This is not to be found in any book. I ask your indulgence. This is in Book IV, Your Honors, on

Page 124. I had submitted a photostatic copy to you in order to make it clearer to you.

THE PRESIDENT: Is that document 15?

DR. WAGNER: Yes, Document 15. That is in Book IV and will be Exhibit No. 10, on Page 124.

I now want to go into the individual documents. In the case of all of these documents, we are concerned with contemporaneous documents. That is to say, from document 288 one can see that this pictorial report, in the form in which we have submitted it, is a reproduction of a pictorial report that we made at the time when the foreign workers were employed by us, but with the difference that instead of having a Dutch or other language text, we have this text in English. This pictorial report was distributed in approximately six different languages; that was in 1941.

May I recommend this report to Your Honors' attention? I don't want to go into the individual pictures; I merely ask your permission to point out the introduction, that is, the introduction with which these pictures were distributed among the foreign workers. The plant management, so to speak, lays down the program for the foreign workers. If you would be kind enough to read through this short English text, I quote:

"To an increasing extent, workers of all countries of Europe are finding work and means to earn their living in Germany. The managements of these German plants where these foreign men and women are working are well aware of the fact that these workers are living outside of their own country and away from their families. By treating them with all good will and conferring on them all possible care, one tried to replace the accustomed surroundings in their country so that they feel at home in Germany."

I believe that is sufficient as a quotation from this pictorial report.

MR. VAN STREET: May it please Your Honors, I would like to make one observation in the form of a query. Is this a current publication in English of a document or group of documents, or of a book which you had published in 1941?

DR. WAGNER: I want to answer that query. As I have already set forth, we distributed these pamphlets in 1941. As can be seen from our document 288, which you might read, we distributed this pamphlet and

issued it in six different languages. And now, in order to explain this to the Tribunal, we translated this text which originally was not in English but in the Dutch, Slovakian, or some other language. However, the pictures and the entire grouping of the material are exactly as they were originally. That can be seen from document 288, which is the affidavit.

MR. VAN STREET: Your Honors, then in order that the record would be clear from an evidentiary standpoint, I would like to suggest to Dr. Wagner that collaterally with this Wurster Exhibit 7 he file a book, let us say in French, or in one of the other languages, of the workers at Ludwigshafen, which was published in 1941.

DR. WAGNER: We have already got it in French. You can see that. It says: "Rapport illustre sur les camps organises". That is the French text. It is all in French, and the English is a translation from the French.

THE PRESIDENT: Dr. Wagner, we would be interested in knowing, except for the added English translation, is this document identical with the document as it was originally published?

DR. WAGNER: That is correct.

THE PRESIDENT: Anything else that you care to ask, Mr. Van Street?

MR. VAN STREET: Your Honor, I think that will clarify the record. Thank you very much.

MR. WAGNER: May I now turn to Wurster document No. 6, which is Exhibit No. 9? That is in Book 3 on page 39. Your Honors, I consider it important not merely to show you many words, but to give you a tangible picture of the reality itself. This is the red book, Mr. President, the thick red book. Unfortunately, we don't have a motion picture about it, and therefore we must confine ourselves to still pictures. These photographs are snapshots from those times which can be seen from the affidavit. If you would take the trouble, Your Honors, to follow my description very briefly:

On page 4, picture number 4 — not page 4, picture number 4, at the bottom, at the lower right-hand side, you see a swimming pool for foreign

workers, for French workers, and you can see another picture above it, living barracks surrounded by lawns. And if you would be kind enough to follow my description further, you will find picture number 10 and picture number 11. Pictures 10 and 11 represent the dining hall of the foreign workers. Since one cared not only for the material requirements but also for the cultural needs, picture number 13 will show you a room which was a theater in which there was a stage for performances. Finally, in picture number 18, you can see a small, modest, but nevertheless festive table that was set in honor of a Mohammedan festival in the plant.

Picture number 19 and the following pictures seem to me to be part of the most interesting pictures. You see a very modernly equipped, clean, and appetizing-looking kitchen. In pictures 20 and 21 you can see how the food is being prepared.

I skip the next pictures in order to save some time, and I would next like to draw your attention to picture number 26, which is a picture of the washroom. You find a washroom which really speaks for itself. On page 26 you find a shower bath, and a bath room, that is picture 27; you find installations for shaving. Very illustrative pictures are number 29 and number 30, which might fit well into any other camp and which would strike the observer as a very pleasant picture.

All the following pictures deal with the sanitary installations for the foreign workers, as illustrated in pictures 31, 32 and finally 33, where you see the installations that the foreign workers had for washing their laundry.

I skip many pictures, again, and I wish to draw your attention to the pictures following number 45, which concern the medical care for the foreign workers. You can see the doctor, very clean surgeries, you can see dental facilities, and many other installations.

I skip very many pictures, and I believe that pictures 66 to 69 are interesting. They show a nursery in the Eastern Workers' Camp. On the next page, at the top, you can see the treatment and supervision of the

infants, and at the bottom you can see a kindergarten in the Eastern Workers' Camp. On the next page, pictures 70 and 71, these are schools for Eastern Workers.

I don't wish to go into too much detail here. However, picture number 75 seems to be very characteristic. It shows an orthodox priest baptizing a child in the Eastern Workers' Camp. The other pictures show an excursion undertaken by members of a Mohammedan Confession on their religious holiday to a place called Schwactzingeh, and which is well known to all Germans, situated a few kilometers away from Ludwigshafen in the American Zone, by the way.

At the end, beginning with picture number 80, you find snap-shots concerning social get-togethers in the evening, theater performances, dancers, and so on. Perhaps it isn't the same as it is in Radio City in New York, but nevertheless, in relation to the circumstances at the time, it was quite a nice thing.

This is all I have to say at the moment about the subject matter.

MR. VAN STREET: May it please Your Honors, I certainly do not want to encumber the record or delay the proceedings, but I respectfully move that the Court request Dr. Wagner to complete his bit of evidence here in this Wurster No. 6 document in respect to the dates. Now, I have read the affidavit, the supporting affidavit, of this particular piece of evidence, and it simply says that the pictures were taken during World War II, but we all know that covered about six years, and that time was fraught with changing conditions. I think, in fairness to the defense, the document would have much more probative value if the pictures were dated, and certainly the Prosecution will be in a better position to make any comment upon them. I think that it is perfectly possible to get that information.

DR. WAGNER: Your Honors, the fact that these camps did not look the same way after bombing attacks that occurred from a certain moment on almost daily in Ludwigshafen -- that is a matter of course. These, of course, were taken before the daily air raids took place. I am not able at the moment to say whether they were taken in 1941 or '42, but the pictures were taken at a moment when the conditions made it possible to photograph anything at all. That must have been in '41, '42, and '43, until a hail of bombs came down on the plants.

THE PRESIDENT: Well, of course, it is entirely possible that the pictures may not all have been taken at or near a certain date. We have not had an opportunity to examine your supporting affidavit by which you verify these exhibits or this particular exhibit. Does it show anything further than the fact that they were taken during the period of the war?

DR. WAGNER: I beg your pardon, Mr. President.

THE PRESIDENT: I was asking whether or not your supporting affidavit gives any further information than that these were taken during war-time.

DR. WAGNER: Yes, my affidavit gives the information that these pictures were taken during the war and that they are typical pictures. They are typical for the installations for the foreign workers.

THE PRESIDENT: Are you in a position to supply any more specific information concerning the period of time within which the pictures were taken, Doctor?

DR. WAGNER: I shall try, Mr. President, in order to comply with this request of the prosecution, to determine more specific dates. However I do not know if I shall be able to do so.

THE PRESIDENT: Mr. Van Street's objection would go more to the weight to be attached to this evidence than to its admissibility, and on that theory the motion will be overruled. I may say to you, Dr. Wagner, that if you can support these pictures with any more definite information as to the period of time or the limitations of time within which they were

taken, you would thereby buttress the probative value of your evidence.

DR. WAGNER: I will do it. At least I will try to do it.

MR. VAN STREET: Thank you, Your Honors.

THE PRESIDENT: If you are able to do that, I would suggest that you file a supplemental affidavit or make a supplemental showing in addition to that which you have already offered.

DR. WAGNER: I will do so. I now turn to Document 15, Jurster Exhibit Number 10. These are the photostatic copies I had handed to you. This camp newspaper for the Community Camp 4 for Eastern workers in Ludwigshafen seems to be particularly characteristic. At the inside page at the right hand side -- I had it handed to you in the photostatic copy. The English text is in Book 4 on page 124, but we gave you the original photostatic copy. The baptizing of the infants of the Eastern workers is dealt with. The religious assemblies are discussed and on the left hand side one can see the Easter festival. I had two copies handed to you, one of which is in the Russian language. In the original language in which it was issued. With your kind permission I should like to continue to offer a few more documents in that connection. I submit Jurster Document 536. This will become Exhibit 11. This is in Book 4 on page 44. At this occasion I must point out the following fact to you. In English books, the one page, and I also believe that is the one page you have in your books, was so badly mimeographed, that at the end, where the number of performances is added together -- that is on page 47, one can see the figure 34 as the total number of events, instead of the figure 340. Therefore I saw to it that you were given new pages for this question is very important to us. According to this document we had, in the year 1943, 340 cultural events. That is to say almost every day we had one event and not, as one could conclude from the badly mimeographed copy, thirty-four events. This document will give you a very vivid picture of the type of leisure time -- that is the way they put it in the German, or as one might say in German, the cultural care that was shown to the foreign workers. When you look through this report you will find theater performances, sports events, steamer trips,

movie shows, theater performances from the talents among the camp inmates themselves and partly by participation of engaged bands that were hired for this purpose. I want to recommend this document to your particular attention without going into details or analyzing it. Subsequently I want to submit Wurster Document Number 8 as Exhibit 12. I am having this document handed to you. I again is in no book. Oh, it is in a book. It's in Book 4 on page 51, but only in excerpts. What I am now having handed to you is a photostatic copy. I say in that connection that this is not perhaps a newspaper that the Ludwigshafen Plant published, but it is a newspaper for French workers in Germany that was issued in the city of Plauen, and that is a city situated in Saxony. We submitted this newspaper only because we wanted to call your attention to page 2. This shows that a large sport competition took place in Ludwigshafen between foreign sportsman and particularly between French sportsmen and Germans in this camp. One can further see, from this newspaper, that Germans participated in these matches as well. Wurster Document 10 will become Exhibit 13. I am having it handed to you it is a language primer. Another document is Wurster Document 293 -- that will become Exhibit 14. That is an affidavit for this language primer. This certificate is in Book 4 on page 37. It seemed to be interesting to me to be able to show to Your Honors what manner the Ludwigshafen plant, for instance, approached the French workers, in order to give them some language training. It seems to me, Your Honors, of particular importance to look at the sober and objective and expedient manner in which this language primer is edited, without any political tendency completely expedient and objective and down to earth and that was something that was not normal in the years when this primer was published.

In this language primer you find pictures which were used to transmit fundamentals of the German language to other nationals besides Frenchmen.

From our affidavit one can see that members of the plant in Ludwigshafen itself compiled this language primer and they deviated from the method used up to that time forth teaching foreign languages in Germany.

Q Dr. Wurster, I want to remember that you are still sitting in the witness box and want to ask you a few more questions in that connection. From the submission of documents you could see what I showed to the Tribunal in the way of documents about the utilization of the leisure time of these foreign workers. Would you please say something about the treatment of the foreign workers, outside their working hours, in addition?

A I believe, counsel, that is not necessary. Everything that was done in this field I consider self evident. It was no problem for us; it was very easy. If I may emphasize something then I merely want to say that we attacked the idealistic point of view of this question with much joy and, as a witness in my own behalf, I want to explain a question that the prosecutor has raised.

The newspaper from the Eastern workers' camp that you have introduced is dated May 1944. Approximately to the middle of 1944 the condition of the camp as a whole was the way the pictures show but in the second half of 1944 serious damages had already occurred. That may explain in some extent the question of the prosecutor. Otherwise, the things that we have mentioned would not have been possible if there had been any more serious damages at the time already.

Q. May I ask you this: (do you know perhaps yourself

when these pictures were taken?

A The pictures from the eastern workers camp come from the years 1943 and 1944 in their majority.

Q Thank you very much

A The eastern workers arrived only in the second half of 1943 and, therefore, the many children came only gradually afterwards.

Q I believe that has clarified the question. Dr. Wurster, how was it possible that this extensive work of cultural care, the idealistic care, for the foreign workers, the utilization of their leisure time -- how could this be technically carried out?

A We had instituted a separate department dealing with these things and we had chosen persons which were a guarantee for us that things would be done properly.

Q Did I understand you correctly? You created a separate department which had as its task just to care for the cultural needs of the foreign workers?

A Yes; that is right.

Q I believe we can now leave this subject matter and everything that is connected with the eastern workers. I now want to treat in detail another prosecution exhibit. This is prosecution exhibit 1336, NI-6287, Book LXIX, on page 25 of the English and page 32 of the German. This is again a record of a Ludwigshafen directorate meeting dated 21 August 1941. That record speaks about the fact that the sickness rate of the foreign workers and prisoners of war was much higher than that of the German workers. I ask you: was that always the case? How do you explain that and what do you know about it?

A What is laid down in these minutes is an exception. I already stated that at that period of time, besides prisoners

of war, we had Slovaks and Italians working for us. The physical condition of these people was not good when they arrived for the reasons that I have already mentioned, because frequently they hadn't had any work and any money for many years and their physical condition was very poor. Our physicians tried and our worker camp kitchen tried to help them and they gave them additional clothing and I must say the circumstances were exactly the other way around; almost throughout the entire war the physical condition was better of those people housed in barracks than those that were living outside. Also, the German workers who lived in barracks were in better physical health.

Q Dr. Wurster, if one is very suspicious or if one is Malevolent one could say that you took that from statistics. Could that not be caused by the fact that the doctors did not report those foreigners who were sick; that is to say, that they just didn't recognize foreigners who were sick as being sick?

A No, that is impossible, out of the question. In our plant we had plant physicians who had many years, decades, of experience; as a matter of fact, who were well aware of the responsibility of their profession and who would never have been prepared to discriminate against foreigners. The explanation for what I have said is to be found in the fact that the life of these people in the barracks was regular. Their food was standard. All the workers who came in from the outside had to be on the trip for hours. They were exposed to air raids. They had irregular food and that was probably the explanation why the circumstances were the other way around. We ourselves during the advance stage of the war had a very irregular life. In my own home I had no running water

for months. I had no gas for cooking but in these barrack camps one could take care of these damages more quickly. That is the explanation for their physical condition. Of course, added to that was the fact that supervision was much simpler and easier.

Q Since we are now talking about the physical condition of the foreign workers, I have another question. When employing foreign workers and during the employment of foreign workers did unusually many accidents in the plant occur?

A No. We enlightened these people very systematically in this field. We had full time accident prevention engineers with associates and staffs dealing with this question and in the prosecution's exhibit 1336 that you just quoted I chanced upon a passage that I want to quote very briefly:

"The accident rate, despite the high proportion of foreigners and female workers, fortunately, of only ten accidents for every thousand members of the plant in a quarter remained constant. The enlightenment of the foreigners by posters and foreign language placards seems to prove satisfactory."

What you submitted before, the primer for foreign workers, was not to be just a toy. There was a serious reason for this.

Q In the course of presentation of my document I am going to hand you the accident prevention regulations that were issued in that connection and that were handed to every foreign worker. I don't want to delay my examination any further. I shall hand it to you later.

Q. Another chapter, Dr. Wurster. In the course of this trial, we have repeatedly heard that part of the serious duty of a plant leader was also the observance of the authoritative requests, the regulations issued by the authorities, and the disciplinary measures. In that connection, the Prosecution submitted exhibit 1342 for Ludwigshafen. That is NI-5915, Book 69, Page 52 of the English, and page 70 of the German. In that document it is stated that two French workers were given a monetary fine by the Counter Intelligence Agent in Ludwigshafen, and that they were threatened with being transferred to a correction camp for workers. What do you know about this event?

A. I saw the documents from the Prosecution Exhibit 1342 here for the first time. Since I could not be informed of all the details in the plant, of course that was the affair of competent experts. The problem, however, was familiar to me, and you ask me, Counsel, to explain this whole question with the aid of this one example; how it was practically handled. I believe, Dr. Wagner, it is better if you submit all the documents so that I can explain it briefly with the aid of the documents.

Q. Yes, I think it will simplify the proceedings.

I now offer the following documents. Wurster Document 571, Exhibit 15, in Book 4 on page 53. Wurster document 572 as exhibit 16, in Book 4 on page 54. Wurster document 573 as exhibit 17 in Book 4, on page 55, and Wurster document 312 as exhibit 18, in Book 4, on page 56. All of these documents are in Book 4, pages 53 to 56.

I am having handed to you the photostatic copy of the employment chart of the personnel chart of the two French workers quoted by the Prosecution, so that you will get a tangible picture about the affair, what it looks like, and how the records were kept. The translation of the card is to be found on the document book on the pages indicated by me.

Now, Dr. Wurster, perhaps you might now explain this case with the aid of these two cards of the two workers.

A. May I ask you to look at the back of the Document 572, Exh. 16. It is quite clearly stated thereon that these two French workers were

given a fine of 1 days' pay on 13 July 1943. If you look at the front page, front side of this card, you can see that this worker was on a pay scale of 54.5 pfennings. Eight or nine days after this fine, he was given an increase in pay and given an additional pay of approximately 20% of his pay up to that time, which more than compensated for his monetary fine within the past four or 5 days. That shows how the personnel department and the plant leader in question tried to deal with such cases which were transferred by the Gestapo.

One can see further, from the document, that this young man was of an unquiet spirit. On the back one can see that one year later he registered to join the Waffen SS on 12 July 1944. His plant leader wanted to dissuade him from this spontaneous step, and he said, "I am not going to release you for this purpose". Then, the personnel department did not release this man. This can be seen from

Q. From the affidavit of Dr. Hans Mueller, which is Document 312, exhibit 18, and which is to be found on page 56 of Book 4.

A. And also from the letter to the Waffen SS that I quoted — Exhibit 17. The case of the worker which is discussed in Document 571, exhibit 15, was treated in a similar manner. Neither of these two men were ever transferred to the correction camp as threatened, and, I believe that this young Frenchman today is grateful to his plant leader for having this matter handled for him in this way.

Q. A question has occurred because of the translation of the word "work correction camp". In the case of translations, it is not always easy as such, and the literal translation would be, in my humble opinion, "Labor Education Department". That would be the literal translation.

In connection with the case of Sies and Blanc, you were dealing with the question of pay. One interesting question that has to be asked here is this. Were those foreign workers expected to spend their entire pay in Germany, or could they have the possibility of sending money home? Money they earned in the plant, that is. Could they send that

money home?

A. That was quite possible, and this transfer of money was actually undertaken to a large extent. Millions were involved in our plant alone.

Q. You say millions?

A. Yes, that's what I said. Millions of marks.

Q. I didn't want to deviate from the main point by asking this question, but I am coming back to it now. Why was there a department for work education in your plant at all?

A. I can explain that in the following way. It has been repeatedly explained here that the legal regulations demanded that the plants report to the authorities those foreign workers who remained away from work for any reason whatsoever. This task, in view of the size of our plant, was very difficult and was very responsible. During the war years, it was handled by the counter-intelligence agents.

Q. One question I want to interpolate at this point. Did the counter-intelligence agent in your plant come under your jurisdiction in your capacity as plant leader?

A. No. He had a very complicated legal position. He was a member of the plant. In his connection with the disposition of the foreign workers, however, he was directly responsible to the authorities. They had obligated him to undertake these duties and I was not authorized to give him any directives to handle the matter in any way other than those directed by the strict regulations. The only thing which I could do was to have a responsible person elected as a counter-intelligence agent. I believe I was successful in doing this.

Q. How did the counter-intelligence agent actually handle these legal regulations during the war?

A. Because he was a responsible person, he tried to evade the regulations wherever possible, and to help the foreign workers. This very thing caused constant criticism by the competent authorities. He generally confined himself to very serious cases, and there were such

serious cases. Among thousands of people, there were certain criminal types of a very difficult nature. There were those who committed crimes such as housebreaking, who stole foodstuffs and sold them on the black market, and what was more serious, who stole things from their own compatriots. Very frequently complaints came from the compatriots of those people to the counter-intelligence agent.

Until 1943 one could release such workers and send them home. Perhaps with the beginning of 1942, the Labor Office refused to send them home. It was so serious that we were expressly told -- and we were going to introduce a document about that, -- that motions for the dismissal of workers would not be accepted by the authorities if we wanted to have them released. It was the duty of the plant head to settle this on his own.

Two police regulations were very serious. One of them had to do with the fact that food was rationed and that the Germans, when they violated food ration regulations, were given serious and heavy punishment. I happened to find in Prosecution Exhibit 235 about a directors' meeting that I presided over. Quite apart from the foreign questions, these were Germans, because such cases also occurred in the case of Germans. Secondly, from the beginning of the war on, there was an obligation for everybody in Germany to register with the police -- foreigner and German. If a foreigner then did not appear in his place of residence for many weeks, then it was a very unequivocal police duty to report him.

Q What did the authorities do with such people who had to be reported by the counter-intelligence agent?

A The authorities provided a number of measures, among which was the transfer to corrective camps of the Gestapo.

Q What did you hear about these corrective work camps of the Gestapo?

A Whatever one heard about it was very cloudy. For that reason our counter-intelligence agent, in 1943, conferred with the authorities about the institution of a so-called work education department near the plant for such cases where he could not prevent reporting, unless he himself wanted to be punished for sabotage. The motive he was imbued with was to try to prevent, above all, the person concerned being exposed to an uncertain fate. I tried to show that in the case of this little example of those two Frenchmen, and I believe that I can say on the whole he was successful in his intention. For the rest, this institution of a work education department was sabotaged actually as much as possible. One normal barracks was provided for this purpose in which temporarily a few people were confined for a limited period of time.

Q Who was competent for having people transferred to these barracks?

A Only the Gestapo.

Q Was this barracks guarded by the SS?

A No, here again our counter-intelligence agent found a way out. He had three elderly people conscripted as auxiliary police, and they were in charge of supervision.

Q What work were these people used for? I mean the people, the inmates, of this work corrective, or education department?

A They were employed within the plant. They had the same working hours as the free workers did, and they were mainly given unloading work, but they were under guard.

Q How was their accommodations and food?

A The barracks was equipped quite normally - bed, closets, running water, electric lights, and so on. They received their food from our plant kitchen.

Q Was this department ever enlarged? That is, was there ever any other barracks added?

A No, on the contrary. This barracks was damaged by an air raid. I don't know any more when it happened, probably at the end of 1943 or the beginning of 1944, and the counter-intelligence agent used this desirable opportunity not to restore it any more, so this institution died a natural death after a few months.

Q And this concluded the whole affair?

A That is the way the counter-intelligence agent tried to deal with this problem in the best possible, humane manner, and I must say that I was quite familiar with these measures. I said I did not know such individual reports, but I knew the institution as such, and the manner in which one tried to handle this problem.

Q You stated previously that the main thing was to have a reasonable person appointed to this job. May I ask you: Was your counter-intelligence agent a member of the SS?

A No.

Q Since I am already putting these types of questions, I want to ask you: Was the chief of your plant protection, the plant police, a member of the SS?

A No, our last chief of the plant police was not even a member of the Party, and a lot of trouble occurred sometimes with the authorities, and he was criticized by them.

Q Part of this number of questions is an interrogation about two documents submitted by the Prosecution in this connection. One of these is a document, NI-6349, their Exhibit 1340, in Book 69, on page 38 of the English and page 54 of the German. This contains a circular letter of the 19th of August, 1943, which states that for the maintenance of working discipline the foreigners would receive their food tickets only after they filled out the working certificate. Do you have that document before you?

A Yes.

Q What do you say about it?

A The document is from August, 1943. That is the time when I showed in the course of my examination that we were exposed constantly to the control and pressure of the State control agencies. They wanted to see whether we actually complied with the regulations about the work commitment of the foreigners.

The document begins with the words, I quote: "We were given the order...." and the second circular letter, which was in the same document, dated 19 August, '43, reads quite similarly. This is again the execution measure of regulations of the authorities. May I quote the last sentence of the circular letter? I can confirm it when I say: "If the plant lists any days of absence without leave, the foreigner will first be warned by the camp management and a fine will be imposed and he is to be threatened at the same time that if he does it again the food tickets have to be kept back."

I believe the way in which this is formulated shows the spirit in which the circular letter was sent out. I can hardly imagine that in our plant any considerable number of foreign workers were ever deprived of these food tickets on the basis of such measures, or any

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other measures. That such measures were at all ordered has to do of necessity with the conditions of a forced economy. Every German today can only get a food ration if he can show a work certificate of the plant or a work certificate of the labor office. That is impossible to handle differently in an emergency period.

Q Am I to continue my examination, Mr. President?

THE PRESIDENT: Go ahead.

Q I must now deal with a circular letter of the Personnel Department Ludwigshafen which the Prosecution submitted as part of their Document NI-2831, their Exhibit 1346, page 66 of the English and page 87 of the German. This circular speaks about the fact that one receives food rations only if one can prove that one has work or if one has registered for work at a competent labor office.

Have you anything to say in that connection?

A This document, counsel, is a circular letter dated 23 February '45, that is, four weeks before the occupying of Ludwigshafen by Allied troops. At that period the conditions were already in much confusion and in a state of dissolution. For the rest, this document does not refer to foreigners at all but to those persons, as it says literally, "... who live in the Westmark area and who are between the ages of fifteen and sixty-five", and I was part of those people too.

Q Dr. Wurster, I must interrupt you. If the document refers to everybody and not only to foreigners, then we should not deal with it. We don't have to treat it and we don't have to waste time on it.

This concludes essentially my questions about the foreign workers subject. I want to ask you this in conclusion.

Dr. Wurster, are you still convinced today that you did for the foreign workers of your plant during the war whatever was possible from a humane point of view?

A I think I can say that I endeavored with all the power in my command to do the humanly possible. I don't want to say too much

about myself, but I want to point out one fact. The American Military Government, during the time that they occupied Ludwigshafen, did not raise any charge against me in connection with the treatment of foreign workers in Ludwigshafen after they investigated the conditions at the time.

Q What was the attitude of the French Military Government in that connection?

A The French Military Government, after they took over the plant, conducted these investigations very thoroughly as far as I know, particularly because of the fact that thousands of Frenchmen had been working in our plant during the war - civilians and prisoners of war. I do not believe that that authority would have permitted me to work as a plant manager for two years if they had found that I had violated the laws of humanity during the war.

Q Did I understand you correctly that you said that the French occupying authority, never charged you personally with those things which the Prosecution now charges you under Count 3 of the Indictment?

A Yes, you did understand me correctly.

DR. WAGNER (Counsel for defendant Wurster): Your Honors, Count 3, Foreign Workers, I believe, has been concluded now, with the end of this session, so that in the next session we can start a new chapter.

THE PRESIDENT: Very well, and, gentlemen, please bear in mind that on Monday morning we shall be back in our own Courtroom.

The Tribunal is now in recess until Monday, at nine a.m.

(The Tribunal recessed at 1645 hours until 0900 hours, 12 April 1948).

Official Transcript of Military Tribunal VI,
Case VI, in the matter of the United States of
America against Carl Krauch, et al., defendants,
sitting at Nurnberg, Germany, on 12 April 1948,
0900-1645 hours, Judge Shake presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal
VI. Military Tribunal VI is now in session. God save the United States
of America and this Honorable Tribunal. There will be order in the court.

THE PRESIDENT: You may report, Mr. Marshal.

THE MARSHAL: May it please your Honors, all defendants are
present in the courtroom with the exception of the defendants Lautenschlaeger
Haefliger, and Ilgner, absent due to illness.

THE PRESIDENT: Dr. Dix?

DR. DIX: Your Honors, may I very briefly direct Your Honors
attention to a problem of procedure ask you for a ruling on this problem.

In recent times the Prosecution has made it a practice to introduce
documents during cross examination and to introduce them as exhibits to the
Tribunal. About these documents they asked no questions nor did they put
anything about the documents to the person under interrogation but they
introduced these documents rather in anticipation of a rebuttal. Your
Honors I have already designated some of these documents as anticipatory
rebuttal. Nothing is to be said against such a matter, as a matter of
principle, if the regulations against rebuttal are complied with.

However, the Prosecution, in our opinion, sometimes violates such
principles when they introduce as rebuttal documents such documents which
are either a continuation of the evidence of their case in chief, or a
supplementation of their case in chief and which would not be admissible as
rebuttal as such. Furthermore, must make the requirement that if the
Prosecution does introduce such anticipatory rebuttals as evidence, they
should then observe the 24-hour rule in order to give the Defense an
opportunity to investigate the documents as to whether or not the Defense
wants to make any objections, and as to whether the Defense is going to answer
it in redirect or later in rebuttal.

In the trials before these Tribunals, a very strict yardstick, has been applied to the admission of documents for rebuttal. In the Flick case, for example, the Prosecution and the Defense, both sides, observed the regulation of disturbing our cases as little as possible in regard to making objections and, in our opinion, saved us a lot of time. Both sides, however, applied a very strict rule to rebuttal documents. This was ruled by the Tribunal in the Flick trial, and the rulings can be found in the transcript of that trial on page 9980. In the Generals' case on page 8899, and in Case VIII, on page 4751.

To make this matter brief, I want to ask the Tribunal first to make a ruling to the effect that if documents are presented within the course of cross examination, that they, if they have anything to do with cross examination as such and if no questions are asked on the subject during cross examination, that then the rule should be applied that only rebuttal documents be submitted. We further ask for the favor that only such documents in cross examination, documents which are purely anticipatory rebuttal documents, be given to us 24-hours in advance, and that we should receive copies so that we can investigate in peace and determine whether such a document is necessary, or whether we must make an objection against it.

In the case of the documents already introduced, documents 1836 to 2100, or at least a considerable part of these documents fall into the above category. I must, of course, with reservation for my colleagues, object against such anticipatory documents after we have found out the nature of these documents.

That's all I want to request at this time.

THE PRESIDENT: Does the Prosecution have something to say on this subject?

MR. SPRINGER: Just very briefly, Your Honor. Of course, this is a case, to some extent, somewhat where you can't have your cake and eat it too.

A number of Defense Counsel, from the beginning, indicated that they would appreciate it, from the point of view of a number of considerations, if we had documents which, in our opinion, conflicted with the testimony of the Defendant, if we laid them before the Tribunal and the defense Counsel sooner than rebuttal.

Now, I think that each of the documents we have introduced during cross examination has, in some part, had a very direct relation to what the defendant or the defense witness has testified to. Now, it seems to us, rather stupid, on our part, to ask questions of the witness concerning a particular sentence or phrase in the document when it speaks eloquently for itself, and we would merely pour more words into this already long record by referring specifically to the document with a nonsensical question. The fact that the same documents may also have rebuttal value with respect to points other than the questions or the testimony of the defendant or the defense witness, is another question. Of course, the defense has ample time to see the documents shortly after they are introduced. Now, the time saving nature of this, I think, has been very apparent to all of us.

I just wanted to say this to Dr. Dix. In those cases where we were not able to have copies for distribution to all defense counsel at the time we introduced the document, I am preparing a report on that which would be completed during the case of the Defendant Duerrfeld, and I will make a report in open court on this.

I can just say this, that all the documents from Prosecution Exhibit 1835 beyond Prosecution exhibit 2000 have been delivered in each case, without exception, and I am checking further to see that there are absolutely no exceptions thereafter, so that the defense will not have any confusion about what was in the record before.

THE PRESIDENT: Gentlemen, the Tribunal realizes that the procedure that we have followed, of permitting the Prosecution to offer material that might be regarded as rebuttal, in connection with the cross

examination of a defendant or witness, is not the general prevailing practice. We permitted that for two reasons which we think are sufficient.

First, we think it is more fair to the Defendants themselves to have the advantage of knowing what these documents are at the stage where they are presented, rather than to have a large number of documents presented in the way of rebuttal at the very conclusion of the case, and then putting pressure upon you to close the case and give you a comparatively short time to say what you have to say about them.

Secondly, we have felt that the practice that we have indulged will, in a large measure, obviate the time ordinarily required for rebuttal. Now, we do not, by that, mean to say that we have thrown down the bars to the admission of documents or evidence that is not rebuttal, and if, at some appropriate date, when we get farther along, so as not to divide it into small segments, Counsel for Defense will prepare their motion, setting out which of the documents they think should have been introduced in chief and are not competent in rebuttal we will afford you an opportunity of doing that.

Now, as to the 24-hour rule. We have, in effect, given you that, because we have not required you to make your showing until the documents are available to you and you had an opportunity to discuss them with your client and be prepared to meet it. We propose to do that in the remaining days of this trial.

If any number of documents are presented in the course of the cross examination, that required some time for you to familiarize yourselves with them, and to make your showing, we'll accord you that opportunity. That, in effect, is an informal compliance with the 24-hour rule, although not according to the letter of the rule.

Since we are well through with this procedure, and it worked out pretty well so far without any apparent hardships and unfairness, we think we had better go along as we have with these two observations which we now make.

If we will, where documents are introduced which Counsel for

Defense have not had an opportunity to study them, we will afford you the opportunity before you have to meet them. And, we will likewise afford you an opportunity, at a later time, to make a motion to strike from the evidence those that you consider were not proper cross examination or proper rebuttal.

I think that will meet that, Dr. Dix.

DR. DIX: That's everything I wanted, Your Honor.

THE PRESIDENT: Now, Gentlemen, I should like to dispose of two or three matters that are pending before the Tribunal.

Dr. Flaechner, Counsel for the Defendant Bucofisch, has called our attention to the fact that on March 9 he offered Bucofisch Document 314 as Bucofisch exhibit 106. He has discovered since, that the copy of the document which he provided for the Secretary General's office is incorrect, and on March 11, he says he substituted with the Secretary General a proper copy of that document. He now asks leave of the Tribunal to withdraw the document originally offered on March 9 from the Secretary General's office, and to let stand the document which he handed to the Secretary General on March 11. The Tribunal will sustain that motion, subject to the right of the Prosecution to check, and if the Prosecution finds anything that they have reason to raise a question about, we will consider it. Otherwise, we will consider the matter closed and that the substitution has been made.

Now, on February 11, Dr. Nolte filed a motion with the Tribunal to require the Prosecution to produce certain so-called "sick reports" referred to in the affidavit of the Prosecution witness Dr. Tondos, which affidavit is NI-12452, and which was offered as Prosecution's exhibit 1715. The Tribunal has given consideration to that matter, and feels that it is required to say that unless the Prosecution finds itself in a position to supply that document designated by the parties in their pleadings as the "sick reports", the Tribunal will subsequently strike from the evidence Prosecution exhibit 1715. We will afford the Prosecution

an opportunity to see what it can do toward obtaining those reports, and attaching them to the exhibit so that they may be made available for counsel for the Defense.

On March 10, Dr. Nolte filed a motion on behalf of his client, the Defendant Hoorlein, in which he raised a question as to whether or not Prosecution Document NI-14046 offered in evidence as exhibit 1863 was in fact, in evidence. There is some confusion on the subject, as shown by Dr. Nolte's motion. The Prosecution has since filed a response to the motion, in which it is said that it is reoffering that document in evidence. That is permissible, of course, but hardly the proper way to get it on the record. If the Prosecution will, in open Court, re-offer that motion at some time when Dr. Nolte is present, and afford him an opportunity to make his objection, we will permit the document to be re-offered and then passed on its admissibility.

Are there any other announcements? If not, Counsel for the Defense may proceed.

DR. WAGNER: (for defendant Wurster) Your Honors, in the last session, we concluded the direct examination about the question of foreign workers. We are today turning to the subject of prisoners of war, and this subject will be dealt with by my associate, Dr. Heintzeler.

DR. HEINTZELER: Your Honors, may I be permitted, at this stage of the direct examination, to interrupt my questioning and to call at this time, the only witness of the defense for Dr. Wurster. The witness has arrived in Nurnberg, and wants to get through as soon as possible. I do not believe it would be disturbance.

THE PRESIDENT: We will permit that to be done and the Defendant may step aside and call the witness.

DR. HEINTZELER: With your Honors' permission, I then call the witness Vljacic Predrag a Yugoslav witness, to the witness stand. The witness is ready, as he told me, to take the oath in the German manner, unless you have the Yugoslav oath available.

THE PRESIDENT: I do not, presently, have a Yugoslav witnesses' oath, but if the witness is willing to be qualified with the German oath, we will administer it.

Mr. Witness, will you please remain standing to be sworn. Raise your right hand, and say I, state your name for the record, and now repeat after me the oath. Just a moment, I am not sure that your name got on the record. Mr. Marshal, please raise the microphone. Will you again say "I..", state your name for the record....

THE WITNESS: I, Vljic Predrag ...

THE PRESIDENT: swear by God the Almighty and the Omniscient, that I will speak the pure truth, and will withhold or add nothing.

THE WITNESS: ... swear by God the Almighty and the Omniscient, that I will speak the pure truth, and will withhold or add nothing.

DIRECT EXAMINATION

VLJIC PREDRAG

BY DR. HEINTZELER:

Q. Witness, may I point out to you, in starting, that the yellow light in front of you signifies that the interpreter would like you to speak a little slower, or to make a brief pause. The red light means an interruption of the testimony.

A. Yes.

Q. Would you please again state your name for the record, and spell your name.

A. V-L-A-J-I-C. My first name is P-R-E-D-R-A-G-.

Q. When, and where, were you born?

A. On 12 January, 1920, in Plapozoga, Yugoslavia.

Q. What is your nationality?

A. Yugoslav.

Q. Were you a member of the Yugoslav Army during the Second World War?

A. Yes.

Q. As a member of the Yugoslav Army, were you captured by the

Germans and made a prisoner-of-war?

A. Yes.

Q. From when to when were you a prisoner of war?

A. From 1941 until 1945.

Q. At the end of the war, and after you were liberated, why didn't you return to Yugoslavia?

A. Because I didn't want to return to a Communist dictatorship.

Q. What is your present position?

A. I am an official of the French Military Government.

Q. As a prisoner of war, did you work for the labor detail 1000-B, which was employed with the Farben plant at Ludwigshafen-Oppau?

A. Yes, from the beginning of 1944 until approximately the end of 1944.

Q. Was this labor detail housed in the so-called Camp V?

A. Yes.

Q. What kind of work did you do in Camp V?

A. I was a medical man.

Q. Did you have any preliminary training for being a medical man?

A. Yes. I have had some medical training in my own country, and I had some practical work because previously, in my other camps, I had worked as a medical man.

Q Did you yourself work in the factory in Ludwigshafen?

A No.

Q In what prisoner of war camps were you before you came to the labor detail 1000-B of Camp 5 in Ludwigshafen?

A First, in Trier; later in Saarburg, in Lorraine; a few smaller details around Saarburg. Then I came to Vorbach. From Vorbach I was transferred to Farben.

Q I want to ask you a personal question. Were you an enlisted man or were you a candidate for an officer?

A I was an officer candidate in the Yugoslav army.

Q How was your life in Camp 5 in Ludwigshafen as compared to the life in the other prisoner of war camps that you became familiar with?

A When compared with the previous prisoner of war camps, Camp 5 was a salvation for me.

Q Does that mean that the living conditions in Camp 5 were much, much better than in other camps?

A Certainly.

Q Did you perceive that these good living conditions in Camp 5 were caused by the efforts of the directorate of the Farben people and of their care for the prisoners of war?

A Certainly, because the food and the equipment of the camp was the affair of Farben.

Q We will deal with that later. Who was in charge of Camp 5, the Wehrmacht or the directorate of Farben?

A The Army was in charge of the camp.

Q Exclusively?

A Yes.

Q Was the camp in which the prisoners of war were housed made available by the factory to the Wehrmacht?

A Yes; the camp belonged to Farben but it was made

...
available to the Army by the plant for housing of the prisoners of war.

Q To what extent did you consider the equipment in the camp as being good?

A Certainly...

Q Would you please describe the most important features why the camp looked like a good camp to you?

A First, the food--

Q Pardon me, I am asking you about the equipment in the camp.

A The equipment-- there was a very well-equipped medical barracks with central heating, with a bath with running hot and cold water.

Q Was there always hot and cold water?

A Yes. The hot water was there constantly. I remember one case particularly well. When, after an air raid at three or four o'clock in the morning I took a hot bath. That was not an isolated case; it happened more often. Then the other barracks were sufficient in number in the beginning. There were sufficient bedsteads; they were clean; there was enough room in the camp itself for games, for sport activities, theater; two churches -- chapels I mean.

Q Two chapels?

A There was an Italian and a French priest, and they each had their chapel.

Q How was the equipment of the hospital in which you yourself worked as a medical man?

A The equipment was unobjectionable, without fault. We had a large dispensary. This was all subdivided, one part of the room was for bandages.

Q Were there surgical tables, operation tables?

A Yes, two surgical tables. Part of it was for blood tests, taking blood, and in another part they were exclusively for injections.

Q Did you always have sufficient bandages and drugs?

A Yes, the bandages and the drugs were adequate. Even the rarer drugs, such as iodine tincture, was present even in 1944, and that was almost impossible to obtain in other camps. There was calcium injected as a prophylaxis and as a strengthening agent and even for other purposes. This was impossible to obtain in other camps.

Q Did you notice that the Farben plant had supported the Army when they equipped the hospital with bandages and drugs?

A The Army didn't worry about these things in Camp 5 at all.

Q All the drugs were supplied by Farben, is that right?

A Yes, medical drugs and the instruments and all the bandaging material were furnished by Farben exclusively.

Q I now turn to the kitchen equipment. Did you yourself ever visit the kitchen? Can you describe briefly what impression that kitchen made on you, quite generally?

A The kitchen was equipped in the following way. There were several boilers for cooking; there were pressure cookers with lids on top, very clean. The floor was cemented in order to facilitate washing. There were one or two large ranges that served for preparing those foodstuffs that could not be boiled in the boilers.

Q Do you mean ovens?

A Yes, for frying meat and similar food. The things that one needs ovens for.

Q I think that is enough on this point. Was there any

equipment available for cooking diets for sick people?

A Yes. According to the order of the physician, one could obtain this extra ration when needed.

Q What was the food like, of the prisoners of war in the camp?

A The food for the prisoners of war was very good.

Q Did it differ advantageously when compared with the food in other prisoner of war camps?

A Certainly.

Q Did you yourself ever feel hungry in Camp 5?

A No.

Q Did you eat a normal food ration of the prisoners of war, or did you get additional rations as a medical man?

A I didn't get any additional food. We received our meal from the kitchen in the normal way, just as all the other workers did.

Q Witness, I should like to hand to you a menu. This is a document entitled "Menu for prisoners of war for the week of the 3rd of September through the 9th of September, 1944." During that time you were in Camp 5?

A Yes.

Q. May I ask you, please, to look at this menu and to tell me whether the statements made on this menu correspond with your recollection about the normal food ration of the prisoners of war?

THE PRESIDENT: Is that an exhibit in evidence, Doctor? Perhaps you had better state the number.

DR. HEINTZELER: Yes, as soon as the witness has seen it and made statements about it I intend to introduce this as a document.

THE PRESIDENT: Very well.

DR. HEINTZELER: May I point out that this is Wurster Document No. 12, which is to be found in Wurster Document Book 5, on page 55 -- (Witness is handed document and examines it) Your Honors, I offer this Document No. 12 as Wurster Exhibit No. 19.

BY DR. HEINTZELER:

Q. Witness, did you look at this menu?

A. Yes.

Q. Does this menu and the food indicated in this menu correspond with your own recollection about the food standard prevalent in Camp 5?

A. The food corresponded approximately to what is contained in the menu. I can only add that the "heavy" workers and the "very heavy" workers received additional bread, fat, and other foodstuffs. As a result they got more than 300 grams of bread a day. I cannot remember that I got only soup as a noonday meal or that at any time I had received only one dish as a meal.

Q. In your recollection, then, you would always have more than just soup for the noonday meal?

A. Certainly; there was one more dish besides soup.

Q. Did the comrades of whom you have just spoken -- did these "heavy" workers get the additional food ration, and did they get this in the same manner as the German workers did?

A. I cannot say that exactly, but according to what they told me

that seems to have been the way it was.

Q. In the case of your comrades of Camp 5 who worked for Farben, did you ever detect under-nourishment or hunger edema?

A. No, we had no cases of hunger edema among those people working for Farben.

Q. Witness, I must put to you that another witness, who was in Camp 5 approximately around the same time you were there, the second half of 1944, made the following statements about the food in that camp.

"In the morning we received one cup of hot coffee — if you want to call it coffee. At noon we received a soup. In the evening we received one boiled potato and one slice of bread, and then in addition once or twice a week a tiny piece of meat, which was hardly palatable. On the other hand, however, we got as many beets as we could eat."

Your Honors, this is the testimony of Prosecution witness Marcel Grenot, on page 3383 of the English transcript.

Witness, what do you have to say about the testimony of this other witness? How can that be reconciled with what you have just stated to the Tribunal about the food in the camp?

A. In regard to coffee, we received a liter of this coffee, the same coffee that one used to drink then and still drinks today in Germany. About "only soup at noonday" I have already made statements a short while ago.

Q. May I interrupt you? You said before that you received in your recollection more than just the soup?

A. Yes. In regard to bread one certainly cannot speak about just one slice of bread. For the most part one would draw a whole loaf of bread, that is, the army bread of three pounds. And that was split up among the people themselves. As far as I remember, the bread was distributed usually to three or four persons together, but in the other camps the bread was distributed for six or seven — and sometimes even more persons — together.

Q. How about the meat?

A. We received meat several times a week, and in good condition. Small pieces, it is true, but was good and in addition, instead of the meat we sometimes received fish once or twice a week.

Q. Apart from the normal food ration and apart from the additional food for the "heavy workers", was there also an opportunity for a prisoner-of-war to buy additional things in the canteen of the camp?

A. Yes, one could sometimes get fruit, sometimes onions, various sorts of vegetables, rhubarb, herring salad, various salad dressings, and other products that one could get without ration stamps.

Q. Was there fruit in the canteen?

A. Yes, and also tomatoes.

Q. Did Farben help furnish these things for the canteen?

A. The canteens were supplied by a Farben agency which at the same time supplied the canteens in all other camps, and also the plant canteens. This agency bought all the foodstuffs, distributed them, and furnished them to managers of the canteens.

Q. Then apart from the foodstuffs there were articles of necessity that one needed every day to buy in the canteen?

A. Yes, the things that one needed as a soldier or as a prisoner of war, for instance combs, tooth paste, tooth brushes, and similar articles that one needed — combs and mirrors.

Q. This brings me to this question. Could the prisoners of war of Camp 5 pay for these things? First of all I want to ask you: How much did a prisoner of war earn in the other prisoner of war camps a month?

A. In the other prisoner of war camps, regardless of the type of work this man did, a prisoner of war earned 12, 15, or perhaps 18 marks a month.

Q. What did you comrades in Camp 5 earn, as far as they worked for Farben?

A. My comrades in Farben, according to the technical job they had, received different pay. This fluctuated sometimes up to 180 to 250 marks a month.

Q. But were there any deductions made from this for housing and feeding, or did they receive it all in cash?

A. The food and lodging were of course deducted.

Q. Do you know any other single prisoner of war camps in which the prisoners of war received so much pay, net pay, as your comrades in Camp 5 who worked for Farben?

A. No, no.

Q. I now want to turn to the treatment of prisoners of war in Camp 5. Since you yourself testified that you didn't work as a medical man in the plant, I want to ask you: Did you at any time in your hospital or in any other part of the camp see any comrade who bore the traces of mistreatment which he had received during work?

A. I cannot remember that. I do not remember having seen such a case. I would remember it if I had seen it.

Q. I must put to you the testimony of the other witness who testified before this Tribunal as follows: "I knew that not a day passed without comrades of mine returning in the evening from work and bearing the traces of beatings and kicks in the face and other parts of the body that they had received during the course of the day. When my comrades returned in the evening —"

MR. VAN STREET: Objection, if Your Honors please. I think it is going a little too far. The question has been asked, the witness has answered it, and he is just spreading unnecessary words on the record, in my humble opinion.

THE PRESIDENT: The form of this approach is improper. It is not a matter here of reconciling the testimony of this witness with any Prosecution witness. He is entitled to testify as to the same things about which the Prosecution witnesses testified.

May I suggest, Doctor, in the interests of time, ask him specifically if he knows anything about any beatings or whether they occurred every day. You can follow the same showing that the Prosecution made, and then a comparison of their testimony and the conflict can be a matter of argument.

BY DR. HEINTZELER:

Q. Witness, I then want to ask you in particular about your statements. Did you ever see a comrade of yours who had a black eye or who returned from work in Farben with a pushed-in nose?

A. No.

Q. Is it conceivable that such cases would not have become known to you --

MR. SPRECHER: Objection.

DR. HEINTZELER: Mr. President, I shall put my question more concretely.

Q. Did you particularly have much contact with French prisoners of war?

A. Yes, I was on very good terms with the French representative Camp Commander and the interpreters among the French prisoners of war.

Q. Do you speak French well?

A. Yes, rather.

Q. Did you particularly seek contact with the French prisoners of war?

A. Yes. I had no countrymen of my own and I went about with the French, and very soon I was counted among the Frenchmen.

Q. Did any French comrade at any time complain to you about the treatment during work in the Farben plant?

A. No, they never mentioned any serious complaints. I cannot remember.

Q. In the case of your comrades in Camp 5 working for Farben, did you ever find out that the work in the plant, because of too long or

12 April 46-M-SW-4-6-Schwab (Katz)
Court 6, Case 6

too heavy work, exhausted them too much?

a. No, they had their working time which was eight hours maximum
a day.

Q You did not observe that your comrades had to work longer than the German workers, or the free foreign workers?

A No.

Q In your capacity as a medical man in the hospital did you notice that accidents occurred to the prisoners of war in the plants in a serious manner or a large extent?

A No.

Apart from little accidents, and little wounds I never perceived anything. We did have two fatal accidents which were caused by the person in question drinking methyl alcohol, which was forbidden severely, and it was guarded. But the Russian prisoners of war particularly, often stole and drank this methyl alcohol instead of liquor.

Q Do you remember the instruction pamphlets and the warning posters that warned against methyl alcohol as a poison?

A They were in the plant itself. They were hung out there. They were not displayed in the camp.

Q But there were no barrels with methyl alcohol in the camp?

A Certainly not.

Q Do you remember in your capacity as a medical man, about the extent Farben worried about the care of sick prisoners of war also outside of the plant in the camp; were the general medical facilities of the Farben plant, the X-ray and the diathermy station, and such equipment available to sick prisoners of war.

A All patients who needed medical examination or special medical treatment were sent to Farben. There, X-rays were taken, all parts of the body were X-rayed, and even the dental work was done. Electrocardiographs were taken, blood tests were taken, and all other medical treatment was given.

Q I now turn to the subject matter of Air Raids. Who decided where the prisoners of war of Camp 5 were to go in case of an air raid at night; did the Wehrmacht decide that, or did Farben decide that?

The Wehrmacht, who was responsible for guarding the prisoners of war, also decided where they might go.

Q Do you remember that in June of 1944, one single aerial bomb caused losses of life in Camp 5?

A Yes. This aerial bomb caused the death of almost 100 comrades, and we had more than 100 seriously wounded.

Q What do you know about the assistance given by the Farben plant in the case of this sad happening?

A Shortly after the bomb exploded, still during the period the air raid was going on, the ambulances arrived with all of the bandages, with German doctors in them, and German medical men, and several people from the Directorate. They worked with us until early in the morning, while the air raid was still going on. They treated the patients and excavated the shelter.

Q Did the doctors of Camp 5 come under the jurisdiction of the Army or under the jurisdiction of Farben?

A Well, the physicians in the camp who were prisoners of war, were just like the rest of us. They had two bosses. In regard to the prisoners of war, of course, they were under the jurisdiction of the army, but --

Q Do you remember that among the people from the management who came to assist the people in Camp 5 during the air raid, that among these people the chief of the plant Dr. Wurster was also present?

A No, I cannot remember that. I do not know Dr. Wurster.

A After this air raid, was anything changed as to the place where the Wehrmacht directed the prisoners of war to go in case of an air raid at night?

A Upon our demands, and as the result of the disorder that arose in the camp as a result of the death cases, we were finally permitted by the Wehrmacht, - in the beginning only during the air raid, and later also during an air raid.

Q Was that the only possibility or could you go into the air raid

shelter of the plant since the Wehrmacht permitted you to leave the camp?

A We could go into the air raid shelters of the plant. Near Camp 5 there was one shelter in which I myself went at one time. I believe that was No. 560. But we did not go into these shelters very often, first because they were right in the middle of the plant, and then one did not feel quite so safe. Secondly, because the bridge permitted us to exploit our liberty a little more.

Q Did I understand you correctly that the prisoners of war wanted to go to the Autobahn bridge, or were the prisoners of war forced to go there by the Army?

A No, we desired it. We wanted to go there, and we took the necessary steps to be permitted to go there.

Q What was the distance from Camp 5 to the shelter under the bridge of the Autobahn?

A That distance might have been approximately two kilometers, as far as I remember. I recall that during an air raid I never took longer than 15 minutes to reach that bridge, on foot.

Q Is it possible that a bridge was destroyed on this route at one time so that it was not a distance of two kilometers, but it was seven kilometers?

A No, that is impossible. That way is still untouched today. It was not destroyed and no place was there any destruction.

DR. HEINTZELER: Your Honors, at this time I want to submit Wurster Document 542. This is mentioned in Book 5, near page 331, but since it is a large map, I should like to submit this document to your Honors. I ask your Honors' indulgence for the fact that this map is such a large size. It is sufficient for our purpose if you merely open the map; then you will see what is needed.

I offer the map, Wurster Document 542, as Wurster Exhibit 20.

Q Witness, please fold the map so that you have the right upper corner in front of you, where the legend of the map is indicated. On this map,

do you recognize Camp 5 in which you were housed?

A Yes.

Q Do you recognize immediately above Camp 5 at the upper edge of the map, surrounded by a red line, the shelter of the Autobahn bridge?

A Yes.

Q Is this bunker, the shelter, properly drawn in and does it correspond to your personal recollection?

A Yes.

Q On your way from Camp 5 to this bridge, did you have to take a detour or could you follow the path that is drawn in, approximately parallel to the river Rhine.

A We could take this road without any trouble all of the time.

Q I now turn to another subject. In your capacity as a medical man in Camp 5 do you know anything about the fact that a French prisoner of war during the second half of 1944, was shot at by a police guard of Farben, when he was stealing some potatoes; that he was then confined to the hospital of the camp for two days, that he was then transported to the Ludwigshafen hospital, where he died?

A No, I don't remember such a case.

Q Were you informed about the events in the hospital during the entire time?

A Yes, I was always informed about everything that happened in the hospital. I remember almost all of the death cases from the beginning of my term of imprisonment, to the end.

Q I think that is enough. Do you, apart from one case, know anything about the fact that at one time a prisoner of war of Camp 5 was shot at by the camp police in the plant area of Farben - for instance a Russian prisoner of war.

A No.

Q Would such an incident have passed without much excitement in the camp?

A No. We had an opportunity to protest in such a case, to complain to the Camp Commander of the Stalag, and then also directly to the Red Cross in Switzerland which always sent an investigation commission in earlier cases to the camp in order to clarify such matters.

Q You mean other camps?

A In other cases before.

Q In Camp 5, did you have a representative who could have communicated undisturbedly with the Red Cross?

A Yes.

Q Do you know anything about the fact that the Plant management of Farben also worried about the entertainment of the prisoners of war during their leisure time and that they assisted them in this entertainment?

A We were grateful to Farben for the fact that they made it possible for us to have a theatre, in regard to the materials, such as lipstick and so on. During the entire time we had to get help for our orchestra to procure instruments, music and such like. They were always supplied by Farben. Sometimes we had movie performances in in Camp No. 3.

Q Did these movie shows that you were shown there have any propaganda tendencies or were they just entertainment films?

A They were normal films; there was a newsreel before, and then there was a love story, or something else. It was an ordinary film.

Q Do you know anything about the fact that the Farben plant at one time held a large variety show for the prisoners of war of Camp 5, in Mannheim, and that the prisoners of war were permitted to go to Mannheim in special trains of the Mannheim streetcar?

A No, I do not remember such a variety show in Mannheim.

Q You did not participate?

A No, I do not.

Q I want to ask a few additional, brief questions. In Camp 5 were there any Russian prisoners of war?

A Yes, there were one or two companies of Russian prisoners of war.

Q Did you experience an event where a Russian prisoner of war was not permitted to use the air raid shelters as the other prisoners of war did; or was there no difference made between the individual nationalities,

A No, there was no difference, and it was impossible to prevent the Russians from using these air raid shelters because there were no guards or foremen in the camp.

Q Then all of the inmates of the camp had the same privileges?

A Yes.

Q How were the non-commissioned officers employed in Camp 5?

A They were used as interpreters, clerks, or company leaders, or supervisors in any camp details or similar work.

Q Did you at any time see German members of the Farben Plant, or talk to them, who concerned themselves with the care for the prisoners of war, and particularly with their food?

A May I ask you please to repeat this question, a little more clearly?

Q I want to ask you this. A short while ago you spoke about the

food, for instance.

A Yes.

Q Do you know from your own observations that Farben also concerned themselves with maintaining this good food ration for the prisoners of war? Or was it the merit of the army, in your opinion.

A No, it was certainly not the merit of the army. The food was supplied by Farben. Farben took it out to the plant; it was unloaded by the Farben administration in the kitchen and was cooked there.

Q I have one more brief question about the Autobahn bridge, where you went in the case of an air raid. Did you consider this shelter, this bunker of the Autobahn bridge as particularly safe?

A Yes, we were convinced that that was the only place where one could be safe.

Q Did the German population also prefer to go to the shelter room under the Autobahn bridge?

A Apparently so because not only the people from Oppau but even people from Ludwigshafen and surrounding territory all came there. There were small houses built there, a small village almost, in which whole families were housed because only this bunker was near.

Q Then the population of Ludwigshafen preferred the Autobahn bridge shelter and did not go into the shelters of the city, because they thought the Autobahn bridge shelter was more safe; is that correct?

A Yes, they preferred this Autobahn bridge during an air raid; one could see trucks, tractors, and automobiles, bicycles and all of these people streamed to the Autobahn bridge from Ludwigshafen.

A Thank you, very much. I now want to ask you in summary, did you personally reproach the management of Farben with anything regarding the life that you led, and your comrades led in Camp 5?

A No.

Q May I then ask you in conclusion to describe to the Tribunal the manner in which the contact was made between you and the defense

of the defendants from Ludwigshafen in the dock here?

A Long before the Farben trial started, but when the first reports appeared about it in the newspapers, and on the radio, to the effect that such a trial was going to be conducted, I tried to find out the address of Dr. Weiss in Heidelberg in order to talk to him. I was motivated by my curiosity because I knew the Farben Plant and Camp 5, and because I still remembered from those times, and had a vivid recollection about it. Therefore I talked to Dr. Weiss and he told me that the charge of bad treatment of prisoners of war might be raised in that connection. Therefore I voluntarily offered my assistance to him.

Q It was on your own initiative then?

A Yes, of course.

Q You reported voluntarily on your own, in order to testify about the life of the prisoners of war; is that right?

A Yes, indeed.

DR. HEINTZELER: I have no further questions, Your Honors.

THE PRESIDENT: May we have an indication as to whether or not any of the defense counsel will wish to interrogate this witness? Apparently not. We would hardly ask the Prosecution to start on the examination now, and we will rise for recess. (Tribunal in recess until 1045 hours).

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: The prosecution may cross examine the witness.

CROSS EXAMINATION

BY MR. STREET:

Q. May it please Your Honors; Mr. Predrag, are you still a Yugoslavian citizen?

A. Yes.

Q. Have you been back to Yugoslavia since the end of the war?

A. No.

Q. Now, when did you arrive here in Nurnberg for your testimony?

A. Last evening.

Q. And you are now residing in Frankenthal, is that right?

A. Yes.

Q. How far is that from Ludwigshafen?

A. Frankenthal is about 11 kilometers from Ludwigshafen.

Q. How, how long did you study medicine in Yugoslavia?

A. Only one semester, and then I took a course for war medical service, and then each year for a few months I did some practical work in connection with my medical course.

Q. You studied one semester? How many semesters would have been necessary for the completion of your medical course in Yugoslavia?

A. Ten semesters.

Q. And you are now working for the French Security Police?

A. Yes.

Q. Now, specifically, what are your duties?

A. I am a secretary there to an investigating official.

Q. Now, where are these duties performed, Mr. Predrag?

A. In Frankenthal.

Q. Are you married?

A. Yes.

Q. Have you been married since the war, here in Germany?

A. Yes.

Q. You married a German girl?

A. Yes.

Q. Now, Mr. Prodrag, when did you come to Ludwigshafen as a PW -- that is, the month in 1944?

A. I can't give you the exact month; at any rate, it was at the beginning of 1944; I think it must have been the spring of 1944.

Q. You would say perhaps March or April of 1944?

A. Yes, something like that.

Q. Now, when did you leave Ludwigshafen?

A. I left Ludwigshafen approximately December; at any rate, late fall.

Q. Where did you then go?

A. Then I went to the vicinity of Pirmasens; the village was called Petersbaecherl.

Q. How did it come about that you were permitted to leave Ludwigshafen at that time?

A. From the Stalag I was transferred to Pirmasens.

Q. Now, I believe it's been your testimony that you were a medical technician in the dispensary of Camp 5 at Ludwigshafen from the time you arrived there, which was March or April of 1944, until the time you left in December of 1944, is that right?

THE PRESIDENT: I don't remember any such testimony of that kind. I am sorry, but I really have no memory of him testifying that he was a technician in any laboratory. He said he was a medical man.

MR. STREET: Medical technician.

DR. HEINTZELER: No, medical man.

THE PRESIDENT: I think that is right.

DR. HEINTZELER: Your Honor, the German expression was "Sanitaetor," medical man. I used the expression "Sanitaetor", and it was also used by the witness, I believe. "Sanitaetor" in the German usage of language

does not mean that someone is actually a physician, but it does mean that without being a physician the man assists in medical care.

THE PRESIDENT: Very well. We will not interrupt the examination. I thought perhaps we might have misunderstood the testimony; that was my only purpose in calling it to the attention of the counsel.

MR. STREET: Thank you very much, Your Honor; I am sorry I misunderstood it.

BY MR. STREET:

Q. In any event, Mr. Predrag, you were a so-called medical man at Ludwigshafen from the time you arrived until the time you departed?

A. I, as a "Sanitaeter," a medical assistant as it were, was transferred from the Stalag to Ludwigshafen. I had already done the same work before that time at Vorbach.

Q. Now I believe its been your testimony that the air-raid shelters at Ludwigshafen were adequate and accessible, is that right?

A. To what air-raid shelters do you refer?

Q. I am referring to those about which you testified and those within the ken of your own experience at Ludwigshafen.

A. Yes, those which were used by the prisoners of war, at any rate, were adequate; after they were allowed out of the camp.

Q. You have testified on direct examination that on one occasion, while the attacking planes were still in the air, the medical corps, the doctors, and the administrative officials of the supply and storage department of Farben appeared in the camp to render first aid to the wounded. Now, if the air-raid shelters were adequate and accessible to the prisoners, why was it necessary for all these people to come out to give aid to the wounded and the potential wounded?

A. The air mine was dropped in the camp itself. Persons were wounded who had gone into the trenches to protect themselves from the splinters. These persons were treated on the spot because the hospital of the camp was destroyed by the same mine. It was impossible to transport these

people before treating them.

Q. I am sorry, I believe you are not answering my question. The question is that if the air-raid shelters were adequate and accessible in the first instance, why was it necessary for all of these people of Farbon to come out to treat the wounded and potential wounded?

A. I beg your pardon?

THE PRESIDENT: Just a moment. Are you trying to find out if the air raid shelters were adequate, how it came about that there were people hurt by an air raid? Is that what you're driving at?

MR. STREET: Well, Your Honor, if we must be perfectly obvious about it: if the air-raid shelters were accessible and adequate, the prisoners would have been in the air-raid shelters and would have thus been protected.

THE PRESIDENT: That might not be a proper assumption.

MR. STREET: That is what I am trying to bring out.

THE PRESIDENT: Ask another question.

BY MR. STREET:

Q. Now, Mr. Predrag, you testified that in 1946, I believe in January, you heard that charges were made, or were about to be made, against officials of Ludwigshafen, and at that time you got in touch with Dr. Weiss. Now, did you know that the charges in this case were actually not made until May of 1947?

THE PRESIDENT: We cannot overlook the fact that there is evidence, which I take will not be disputed, that many of these defendants have been in confinement for longer periods than last May. That's hardly a fair question to this witness. After all, I think you are referring to the formal filing of the indictment, and it is apparent to the Tribunal that many of these defendants have been held much longer than since last May.

BY MR. STREET:

Q. Mr. Predrag, did you know that Dr. Wurster, in whose behalf you are testifying, was not brought to Nurnberg until July or August of 1947?

A. No, I didn't know that. I didn't even know that Dr. Wurster exists or where he is.

Q. Now, did I understand you to say that when you got in touch with Dr. Weiss, as early as January 1946, he told you at that time that charges of bad treatment might be made? Is that right?

A. Yes. He said that

MR. VAN STREET: Thank you very much. That concludes my cross-examination.

DR. HEINTZELER: Your Honors, would you please allow the witness to complete his testimony.

A.- I was told that the question of the treatment of prisoners of war might come up; and when I was there I asked Dr. Weiss the following — "I should like to know in what connection any charge could be made." Then he answered — "I don't know what the Tribunal will want to know." And then I said — "You just refer to me if you want any statements. I am prepared to clarify this question.

MR. VAN STREET: Did Dr. Weiss indicate to you why the matter of bad treatment might be raised against PW's?

A.- He explained it to me in the following manner: He said that in other trials the treatment of foreign workers and of concentration camp inmates was touched upon, and consequently it might be that some explanation would be demanded in that connection. He didn't actually speak of any mistreatment with which the Farben people might be charged. He was merely talking about the treatment of the prisoners of war which might have to be clarified.

MR. VAN STREET: But it was his idea that the question of bad treatment might come up. That is your testimony, isn't it?

A.- I wanted to state that he did not speak of any mistreatment with which Farben was being charged, but he spoke of the treatment in which the Tribunal might be interested.

MR. VAN STREET: Thank you.

BY DR. HEINTZELER:

Q.- I only have a very few questions. When you visited Dr. Weiss in Heidelberg on your own initiative, where did you reside?

A.- At the time I resided at Ziegelhausen near Heidelberg.

Q.- And to what zone does Ziegelhausen belong?

A.- Ziegelhausen belonged to the American Zone and still does today.

Q.- When you visited Dr. Weiss at the time, were you already married to your present wife?

A.- No, I was not married to my present wife at the time.

Q.- Did Farben or the defense have anything to do with the fact that you are now employed at Frankenthal and that you are living there today?

A.- No, not at all. I went to Frankenthal through the French military government, and I was appointed to my position there by the French military government. Farben has not assisted me in any way at all.

DR. HEINTZELER: No further questions.

THE PRESIDENT: Anything further with respect to this witness? Apparently not. Mr. Witness, you are excused from further attendance. The Marshal will show you the way out of the courtroom.

DR. HEINTZELER: I should like to ask the permission of the Tribunal for Dr. Wurster to resume the witness stand as a witness in his own behalf.

THE PRESIDENT: Dr. Wurster may take the witness stand.

DIRECT EXAMINATION - Continued

BY DR. HEINTZELER:

Q.- Dr. Wurster, after having discussed, Friday afternoon, the allocation of foreign workers at your plant, I should like to put a number of questions to you today with respect to the commitment of prisoners of war. Were prisoners of war employed at your Oppau-Ludwigshafen plant during the war?

A.- Yes.

Q.- How did this employment come about?

A.- There were assigned to us in the manner which has frequently been treated in this courtroom. They were assigned to us by the competent Labor Office through the Stalag.

Q.- Was the Ludwigshafen Plant a so-called armament plant?

A.- No, we were a KL Plant. I don't think I need to discuss that term any more.

Q.- Did you know about the regulations pertaining to the employment and treatment of prisoners of war? I refer to the regulations of international law.

A.- I knew about them in a broad way. I knew that the supervision and the maintenance of such regulations was under the Wehrmacht.

Q.- To what extent, as a plant leader, were you responsible for prisoners of war?

A.- Actually, prisoners of war are not employees of the factory in the sense of the law, and thus there was no immediate responsibility. Naturally, however, I considered it a purely humane obligation on my part to care for the prisoners of war as far as possible.

Q.- For the housing of the prisoners of war employed at the plant, did the work management have to place the necessary barracks at the disposal of the Wehrmacht?

A.- Yes, that was the regulation, and in Camp V, which has been frequently mentioned here, other laborers had previously lived. This was then confiscated by the Wehrmacht for that purpose.

Q.- Did the camp which you had to place at the disposal of the Wehrmacht differ from those camps which you constructed for Germans or foreign workers?

A.- No, there was only one exception, Mr. Heintzeler. There was a barbed-wire fence, and I think you know that yourself, because you were a prisoner of war for three years. This barbed wire was regulation; the other camps, of course, had no such fence.

Q.- At this time I should like to put an intermediate question to you. It has frequently been discussed here how such barracks were constructed at Farben plants. From the point of view of the plant leader, would you

please tell us briefly how such a camp originated. How were the funds approved for the construction of the camp, for instance?

A.- I don't quite understand your question. Do you want me to speak about the quality and the type of the camp? I am not quite sure what you're getting at.

Q.- I am not asking you about the equipment of the camp. I am asking you, how, from an organizational point of view within the Farben organization, such a camp was founded -- how funds were approved.

A.- This was done in the following way: The first stage was the production order for the plant, and in order to fulfill that production order it receives workers.

Q.- May I interrupt you? Do you remember as from what time the production of the plant was regulated by its so-called production orders? Was that true before the war in whole or in part?

A.- Yes, in part, but it was fully the case as from November or December 1939 -- that is shortly after the outbreak of the war.

Q.- Now continue with your description.

A.- Supposing 1500 foreign workers are assigned to the plant, German or foreign workers. Then the personnel department told the construction department that housing was needed. The construction department then worked out a project - I shall stick to these 1500 men - and then made the following suggestion: "We have made plans for barracks and it will cost about 1.5 million marks, we suggest this site for the construction of the camp." Then I gave my approval for the actual construction of the camp. Now, during the war, events usually piled upon each other so quickly that such a decision was made by myself in my capacity as plant leader. There was so-called anticipatory approval, whenever there was any urgency, and this was in most cases, either because the workers were immediately approaching or because during the war some barracks had burned down which had to

be replaced very quickly. Formally however, I had to submit the application to the Bertrams Office, the TEKO, and the TEA, but these were really pure formalities. The Bertrams Office was a purely statistical department which wanted to keep all these figures; the TEKO was interested merely from a technical point of view. I remember, for instance, that one time one of my engineers came to me and told me: "Dr. Wurster, at the TEKO we have had some very original suggestions. You will be able to construct your camps with light cement, which is much easier than wood." That was the only thing which TEKO had to say. TEA was only interested from a formal point of view. These credits for barracks were often discussed here. It was always my opinion that the reports on these investment credits in the TEA had only one sense. For these barracks the authorization was separate and had to be supervised by one office. But I actually experienced any discussions about barracks in the TEA. It would have been entirely senseless. The other gentlemen didn't know the situation in my plant and I, in turn, knew very little about the other plants. Whatever I did in my factory I had to do myself; no one else could interfere with my plans. In the final analysis. I was the one to know what area I needed and I was the one to know what I needed. I don't know whether that answers your question. Last Friday I mentioned a similar example. I talked about the sulphuric acid factory. Of course I knew most about the sulphuric acid factory, and my suggestions were adopted. If Mr. Hoerlein made some suggestions about the sulphomamide apparatus. Of course I didn't interfere, because I didn't know anything about it. The system of anticipatory approval grew, and such approvals were mostly always ordered by the authorities.

Q.- Then, it often happened that you started to construct barracks before a credit application went through channels?

A.- That was mostly the case.

Q.- As a plant leader, did you have jurisdiction over the camp where the prisoners of war were housed?

A.- No.

Q.- Did you exercise any influence on the measures which the camp commander, belonging to the Wehrmacht, took with respect to the protection of prisoners of war in the camp during air attacks?

A.- No, he was the only one who had any jurisdiction on that question.

Q.- As plant leader, could you enter the camp where the prisoners of war were housed?

A.- I could enter it only with a special pass or special permission.

Q.- Did you ever visit the prisoner of war camp, and if so for what reason?

A I did visit it, on that occasion without a pass, as a result of the air raid which we have already discussed. It was on 26 July 1944. To clarify the situation I may contribute something with my own testimony. The protective installations, from a general point of view, were absolutely adequate. During that attack we experienced a so-called air mine which was dropped by a Mosquito plane. These Mosquitoes came toward their aim from a large distance without their motor running, and for that reason the warning could not be sounded in time in this case and it was a complete surprise to us. These air mines are not weapons which operate with any machinery, but merely have, as their result, a large pressure of blast and can easily cause the death of a lot of people. Most of the prisoners of war that night were killed in their beds because they hadn't gotten up yet. Only a small part of them were buried in a trench. I spent the whole night ...

Q Before you continue, would you please explain what an air mine means. Is it a very large bomb?

A Yes, it is a very large bomb which has a very thin shell and has a large amount of explosive in it. In other words there are hardly any splinters, but there is a great blast, which often leads to internal injuries.

Q Do you remember that at the very moment this air mine was dropped the so-called tele-communication system -- that is the radio reports about the air situation -- said that no enemy airplanes were in the area around Ludwigshafen?

A Yes, that was the case. The witness could not actually testify on the air-raid equipment in the plant because he was never at the plant. I can assure you that these protective installations were very good, and in the plant itself, during the entire war, not a single foreigner or a single prisoner of war was killed, only a number of Germans who were air-raid wardens.

Q Would you please continue with your description of the events of 26 July 1944, with respect to the protective measures which you yourself

and the management took that night.

A The witness has described it; we offered every possible assistance. I myself stayed there throughout the entire night. I don't think anything can be added.

Q Would you now be good enough to describe briefly to the Tribunal what influence the Farben plant at Ludwigshafen could exercise on the nourishment of the prisoner of war.

A On the basis of an agreement with the prisoner-of-war camp, we were obligated to supply the food. That was a voluntary agreement which we had made. It was done because the prisoner-of-war camp, as well as ourselves, held the view that the large scope of our installations was very suitable for getting the best results under such an arrangement. Consequently, the conditions were better than average. I may perhaps supplement what the witness said. He said that fruit and vegetables could have been bought in the free market. That is true. Not only did we have considerable agriculture ourselves for such supplies, but we had created a very original arrangement during the war. One of our engineers had the idea that all the warm water that comes out of a boiler in the factory (about 30 degrees) could be used to operate hothouses. We laid down long tubes, and those tubes were extended underground across huge areas, through which this warm water was flowing. In this manner we regularly, as early as February, had fresh vegetables; radishes, lettuce. Not only for selected, privileged messes, but for the entire plant. You may perhaps be interested to know that ever since the outbreak of the war in 1939 we had uniform food for all employees of the plant, no matter whether they were foreigners, German directors, or German workers. This vegetable supply, so early in the year, was very necessary to supply the workers with sufficient calories.

Later we had another very nice institution at Oppau. The Oppau plant, to a large extent, produced solid carbon dioxide which was used for the cooling of vegetables and fruit. We used the fall months to conserve as much as possible in order to be able to supply vegetables during the winter.

Q I have one more question with respect to food. Where was the food for the prisoners of war prepared? Was that done in the camp?

A Yes, it was done in the camp itself.

Q Did you occasionally try to convince yourself through one of the representatives of the plant that the food was well prepared and properly distributed?

A Yes, the economic department was obligated to investigate that in all camps.

Q I now turn to another subject. Could you exercise any influence on the entertainment of prisoners of war during their spare time in the camp, and what measures did you take in that connection?

A We helped a great deal in that domain. I must add, less in material aid which I consider a matter of course, in view of the size of our enterprise but spiritually, as it were. We supplied them with musical instruments and things for their orchestra. I myself am a musician which is why I was particularly interested. Mainly we tried to get native artists for the entertainment of the prisoners of war. In our own hall we arranged very good concerts with French musicians and other and we saw to it that the French civilian workers could get together with the French prisoners of war.

Q Do you remember a variety show at Mannheim -- a special show for the prisoners of war of your plant, for which the prisoners of war were taken to Mannheim in special streetcars?

A Yes, I remember that very well. In Mannheim there was a huge hall, and other plants also cooperated in that show. May I perhaps add one more thing? I said before that we were interested in their spare time. We were particularly interested in seeing to it that church services were held. Perhaps the Tribunal is not aware that there were official regulations opposing such measures. For instance, as of July 1942 there was an express order by the Plenipotentiary General for Labor Allocation by which the holding of church services by foreign clergymen was prohibited or at least designated highly as undesirable.

Q I now turn to the work of prisoners of war at the plant. You said before that the plant was not an armament plant. But in spite of that I should like to ask you what type of work the prisoners of war were generally employed at in your plant?

A Mainly they were employed in so-called auxiliary work -- that is transportation work, digging work, construction work. But gradually, to an increasing extent they were employed in the shipping departments as well as repair shops.

Q Were prisoners of war also employed in the production plants?

A In general not, but it was so in a few cases.

Q And who decided to what place of work a prisoner of war was to be assigned?

A That was arranged with the supervising officer of the Stalag; he was the one who made the decision.

Q Was he responsible for the decision as to what was admissible and what was inadmissible?

A Yes.

Q The Prosecution has submitted Prosecution Exhibit 1335, Document NI-6285, Document Book 69, English page 21, German page 25. These are minutes of a managers' meeting at the Ludwigshafen plant on 31 January 1941. Among other things, it is stated there, and I quote: "The effects of the imminent drafts are being discussed and the necessary measures decided upon: among others, increased employment of prisoners of war in those production plants in which they can permissibly be used."

In that connection, I want to ask you what the word "decided" means here. Does it mean that the Ludwigshafen plant wanted to take the initiative in order to receive additional prisoners of war and to employ them in the production plants?

A No, that is not what it means. That decision was not to receive additional prisoners of war. The assignment of prisoners of war was not under our influence. On the contrary, with this decision we wanted to see to it that the prisoners of war available to us were to be transferred from one work place to another within the plant. I have already said that as a rule the prisoners of war were employed outside of production plants. At that time we started to employ a few prisoners of war in the production plants who were especially suitable because of their skill; and we wanted to employ them in such a way as was permissible. Such measures are necessary in a factory when gaps come about as a result of the draft. Naturally, the employees and a factory can exist only from production in the first place, and the auxiliary work is only a second consideration.

Q If I understand you correctly, we are here concerned with the transfer of already present prisoners of war within the plant, a change of the place of work?

A Yes.

Q In this connection, I should like to ask you what in those managers' meeting minutes the expression "permissible production plants" means. Are these production plants which from the point of view of the Geneva Convention on the treatment of prisoners of war, were beyond reproach, or in other words, factories where the Geneva Convention permitted the employment of prisoners of war? Was that the sense of the word?

A No, the word "permissible" here means something else. At Ludwigshafen we did not have production plants in which prisoners of war could not be employed, as far as I know. We didn't produce any ammunition nor any arms, nor did we transport any arms.

Q You said "transport arms", you meant "produce arms?"

A Yes, that is what I meant.

This word "permissible" referred to the regulations concerning the prevention of sabotage. I don't think I need add to that. There is a stipulation by the Defense and the Prosecution about what that actually means in the employment of foreigners. In short, factories which were sensitive to sabotage were called "protected plants"; plants which were not sensitive to sabotage were called "ordinary plants." I think that is what one must understand by that definition.

Q Can you approximately remember how high the average percentage of prisoners of war was who were employed in production plants or production work as opposed to auxiliary work?

A The percentage was very small; I am sure it was always under 10 percent.

Q Since we are now discussing figures, what was the share of the prisoners of war, percentage-wise, to all the employees of your plant?

A On a rough average, between 3 and 5 percent.

Q Then I must put to you that Dr. Struss in a chart submitted by the Prosecution designated the share of prisoners of war working at Ludwigshafen on 1 October 1944 as approximately 10 percent of the entirety of all

employees. I am referring to Document NI-3782-A, Prosecution Exhibit 1557. This was added to Book 68. How do you explain that chart?

A This is to be explained in the following way: In 1944 -- and I can't give you the exact month -- we received about 2,000 Italian military internees. I think Mr. S. russ included them in his chart with the prisoners of war. The position of those internees has already been discussed here. They had an intermediate position between prisoners of war, and civilian internees.

Q You said civilian internees?

A Yes, that is right. They were really not at liberty. It was actually a situation which can hardly be defined. I didn't make the distinction between prisoners of war and civilian workers, because at first they were interned. I can well imagine that a German during the war, living in England, would become a civilian internee, and gradually they became free Italian civilian workers. If you deduct these 2,000, you arrive at a figure of approximately 5 percent.

Q I should like to put a number of questions to you concerning the working conditions of the prisoners of war at the plant. Could you exercise any influence on these conditions, as plant leader?

A Yes.

Q How about the working hours of the prisoners of war?

A It was basically the same as that of the German and Foreign workers. I have explained before, when discussing foreign workers, that from a purely technical point of view, this is not possible in any other way in a chemical factory.

Q Then how do you explain the contrary statement of the witness Grenot?

A The witness Grenot spent only a very few months at Ludwigshafen. He was there toward the end of the war which I think must be taken into consideration. I can quite understand that he suffered because of his status as a prisoner of war. I believe he was a prisoner of war for many years, and I am sure that his memory of these three or four years is rather bitter. But I should like to state very clearly that, from a material point

of view, his testimony is essentially in correct; that applies for instance, to the working hours.

Q Were prisoners of war used for particularly heavy or particularly dangerous work at your plant?

A No, they did the same work as all the other workers.

Q How about the guarding of the prisoners of war at the plant during working time?

A Guarding was one of the duties of the Wehrmacht. The Wehrmacht organized a patrol duty which at certain intervals visited the prisoners of war at their various places of work. The guarding was very lax, and I remember that after the beginning of the Allied invasion, the number of prisoners of war decreased; somehow they found their way home. I think that shows that the guarding was very lax, because after all they were distributed all over the plant.

Q And how about the treatment of the prisoners of war? Did you hear, in particular, of any mistreatment of prisoners of war during work, and, if so, what did you do?

A Our work order even provided before the war absolutely correct and decent treatment of workers by supervisory personnel. This principle was during the war applied in the same way to foreign workers and to prisoners of war. In case of violations, severe penalties were provided.

I think the statements made here by the Prosecution witness Grenot about the beating of prisoners of war are entirely out of the question; I think it is also quite untrue what he stated to have heard about the mistreatment of foreign civilian workers.

I was at the plant almost every day, very frequently. I spoke personally to numerous foreign workers and prisoners of war. I was mostly alone in the factory, not accompanied by any staff of adjutants. I also visited the camps regularly. I visited them during the day, and I visited them at night when there were air raids. During the entire war, I never entertained the thought of protecting myself by an escort. I never carried any firearms during the entire war. That was the atmosphere which prevailed at

our plant. Some of our foreign workers stayed at the DP camps in the Palatinste for months after the collapse, and came to visit us. Naturally, there would have been a wave of hatred if the situation had been such as was described by the Prosecution witness Grenot.

Q As plant leader, did you learn anything about the incident which the witness Grenot described here before the Tribunal, according to which a French prisoner of war was shot by the plant guards and later died, and according to which a Russian was also shot? Do you remember these incidents, do you know anything of them?

A No.

Q Was the organization of the plant such that any such incident would have come to your attention had it actually occurred?

A Yes, the organization was such that every serious accident would have been reported to me by the security officer by telephone immediately, day or night and subsequently he would have written a report on it. Any such case would have had to be reported to me. Injury to a prisoner of war in an accident, for instance, was treated in the same way as an accident report on a German employee. There were forms for that purpose. The plant was also responsible for accident protection for prisoners of war. For purely formal reasons, any such incident would have had to be treated in the same way as any incident involving a German worker.

Q When it did happen that a prisoner of war fell ill during work or had an accident, what did the plant do? Did it assist him? Did it place its facilities at his disposal?

A Within the factory he immediately received the very same medical aid as every other worker, and depending on the severity of the case, he was brought into the sickbay of his prisoner-of-war camp, or into the municipal hospital, or into our own hospital for special treatment. We had a very close contact with the hospital with respect to the foreign workers because the first assistant physician of the Ludwigshafen hospital, during the last years of the war, was a Frenchman who was conscripted there. Moreover, all camps, including the camps of the foreign workers, had their own foreign doctors. We had Italian doctors, Russian doctors, Belgian doctors, Dutch doctors, and that was a guarantee for me that health conditions were properly supervised.

Q You have already told us about the air-raid protection for the prisoners of war. In that connection I must briefly put to you a Prosecution exhibit. This is Prosecution exhibit 1353, NI-5912, Book 69, German page 74, English page 54. A prisoner of war is mentioned in that document who on certain occasions expressed the desire that in case of air raids he be allowed to enter an air-raid protection trench. Can you explain that statement?

A I can add nothing to that from my own knowledge, because I don't know the document, but I think it is entirely impossible. The Wehrmacht officer in the Stalag camp was a very correct man.

Q And during work in the case of air raids, the prisoners of war had the same privileges as all other foreign workers and as all German workers?

A Yes, they had the same privileges, and they had the same shelters.

Q I have a very brief question. Did you have any influence on the payment of prisoners of war employed at your plant?

A Yes. There was no working contract between the prisoners

of war and the plant. Therefore, our payments, at the rate was fixed by the OKW, were made directly to the Stalag. However, they made an arrangement with the Wehrmacht according to which prisoners of war could do piecework or bonus work. The amounts which they thus earned could be paid by us to them directly. We used that possibility to a large extent, in the interest of the prisoners of war.

Q Summarizing all your testimony with respect to the treatment of prisoners of war in the following question: "Do you believe that the prisoners of war employed at your plant were treated according to the regulations of the Geneva Convention?" what would your reply be?

A The rules of the Geneva Convention were certainly adhered to. I would say that this was a matter of course. Whatever was done beyond that was also a matter of course.

Q And did you at any time hear that at another place in Farben the rules of the Geneva Convention pertaining to prisoners of war were not adhered to?

A No, I think that is also out of the question.

Q Do you remember whether Camp V was at any time visited by representatives of the protective power or by the Geneva Red Cross, and if so were any complaints raised as a result of such visits?

A I remember one visit. No complaints reached me subsequently to this visit, nor were any sent to any other part of the plant.

Q Was the employment of prisoners of war at your plant after the collapse investigated by the military government?

A Yes.

Q Apart from the Prosecution witness Grenot, did you learn of a single case where a prisoner of war who during the war worked at your plant complained about the treatment received at your plant?

A No, neither during the war nor after the war.

DR. HEINTZELER: Your Honors, this concludes my examination on the subject of prisoners of war. Dr. Wagner will now continue and conclude the direct examination of Dr. Wurster.

BY DR. WAGNER (Counsel for defendant Wurster):

Q Dr. Wurster, the Prosecution charges you, as well as all other defendants, with being active in connection with the employment of concentration-camp inmates and therefore being guilty of a crime against humanity. In that connection, let me first ask you this: within your sphere of influence -- that is to say, at the Ludwigshafen - the Oppau Plant -- were concentration camp inmates employed at any time?

A No.

Q At any time was there any desire of the officials, the Nazis, to assign concentration camp inmates to your plant?

A Yes. That happened in two instances, during 1944. At one time 1500 inmates were to be assigned to us, and around the same time approximately 1000 workers of the Jewish faith were to be assigned to us, who were to be housed in a concentration camp manner.

Q What was your reaction to these proposals?

A I issued the order to my two assistants to act in such a manner as to avoid such assignments if at all possible.

Q And did they succeed?

A They did succeed. In both cases it was extremely difficult. One had to be extremely careful in such matters. It is my conviction that we succeeded only because around the middle of 1944 the situation in the Western part of Germany was so unfavorable for Germany that the labor allocation authorities took that into consideration.

Q Dr. Wurster, did you know that in other Farben plants concentration camp inmates were employed?

A Yes, I knew that. However, I knew only of their employment at Auschwitz, which was communicated to me as a "fait accompli" as a result of an order by the authorities. As for other Farben plants, I learned of it only here.

Q Were you personally at Auschwitz?

A No.

Q Did you hear of the alleged bad conditions which the concentration camp inmates were subjected to when working at Farben plants?

A No.

Q When did you learn for the first time that human beings were systematically murdered in concentration camps?

A I heard that only after the Allies occupied Germany.

DR. WAGNER: I am told that the translation did not come through correctly. He learned that from an allied source.

THE PRESIDENT: Dr. Wagner, just ask the question again and let it come through a second time, and that will straighten it out.

DR. WAGNER: Yes — excuse me.

Q Before the German defeat didn't you hear any rumors about these matters?

A No.

Q. Didn't you hear anything for instance through leaflets dropped by Allied planes over Germany?

A. No. We at the plant had all leaflets gathered by the plant guards, and I saw them all. Our collection was rather extensive, but there was not one leaflet among them which contained anything of that sort. This collection was taken away after the war by an American agency—at any rate, to a large extent. This American agency will be able to confirm my testimony.

Q. When did you learn for the first time that Zyklon was being used for murders in concentration camps?

A. I heard that in February 1946 from a newspaper report on the so-called Testa trial in Hamburg.

Q. Dr. Wurster, did you at any time even think of the possibility that Degesch could have anything to do with the delivery of Zyklon to concentration camps for illegal purposes?

A. I couldn't think of that possibility. I have already said that I learned nothing at all of these murders.

Q. You were a member of the Administrative Committee (Verwaltungsausschuss) of the Degesch. Since when were you a member of that Committee?

A. Since June 1940.

Q. And for what reason did you become a member of the Administrative Committee?

A. Because my predecessor Dr. Schumann resigned.

Q. How many meetings of the Administrative Committee of Degesch were held after June 1940?

A. None at all.

DR. WAGNER: The English translation said that Dr. Schumann resigned. Actually he was pensioned. In other words, he retired because of old age.

Q. After 1940 did you attend any other meeting of Degesch?

A. After 1940 there was only the shareholders meeting in 1942, for the business year 1941. I did not attend that meeting because at that time already I left the plant only on very urgent occasions. According to the agenda, the meeting did not seem to me to be very urgent.

Q. Wasn't the Ludwigshafen plant represented at all at the 1942 stockholders' meeting?

A. Yes, I saw to that. It was represented by the head of the Ludwigshafen Inorganic Department, Dr. Pfannmueller, who attended this meeting as a guest. He was entitled to do that, because his Department was in charge of the insecticide Calcid, which was produced at Ludwigshafen and sold by Degesch. I may perhaps remind you that in the description of Farben's entry into Degesch the Ludwigshafen invention was pointed out. This was a preparation which was needed to a very large extent for the fighting of vermin in the growing of fruit and vegetables, especially in tropical and sub-tropical countries.

A California firm developed a similar product. After the Ludwigshafen invention an agreement was made with the California firm for its sale throughout the world. Degesch negotiated this agreement. And that is how Farben became a partner in that firm.

This product Calcid, however, was used almost exclusively for export purposes. For instance, we heard at one time that within 10 years 30 million citrus trees were treated with the product in order to combat lice. During the war production stopped because there was no market for it in Germany.

I may perhaps add that the manufacturer of that product was Dr. Pfannmueller, and for that reason he was sent to that meeting.

Q. Very well. What did Dr. Pfannmueller tell you about the stockholders' meeting of 1942?

A. I no longer remember whether he reported to me personally or whether he merely sent me a file memorandum. At any rate, I know that he said nothing striking with respect to that meeting.

Q. Did you at any time get reports about the business of Testa or Heli?

A. No.

Q. What did you hear about the Degesch Zyklon business between the 1942 stockholders' meeting and the occupation of Ludwigshafen by the American troops?

A. I received only the customary yearly business report of Degesch for the business year 1942, which was received by Ludwigshafen in the course of the year of 1943. No conspicuous details were included in that report with respect to the Degesch Zyklon business.

Q. Did you receive the business report of Degesch for 1943 before the defeat of Germany?

A. No.

Q. When did you receive the business report of Degesch for the business year 1944?

A. Long after the collapse.

Q. When reading the business reports of Degesch which you received during the war - the last of which was the business report for 1942 - didn't you notice that Degesch, or rather its subsidiary companies, Testa and Heli, made conspicuously large deliveries of Zyklon to concentration camps?

A. No, I couldn't notice that, because nothing about that was contained in these business reports.

Q. Didn't you in any other way -- for instance, through conversations with gentlemen of Degesch -- learn that conspicuously large Zyklon deliveries were sent to concentration camps?

A. No. Occasionally, even during the war, gentlemen of Degesch visited Ludwigshafen, and I spoke with one or the other of these

gentlemen briefly. All such conversations referred to the Ludwigshafen products; the Zyklon business was never mentioned in these conversations, because neither Ludwigshafen nor any other Farben plant produced Zyklon.

Q. After your entry into the Administrative Committee of Degesch, did you hold that as a member of this body you had a general supervisory duty toward the business management?

A. No. During that meeting of June 1940 I tried to ascertain why Vorstand members of Scheideanstalt and Farben were necessary for that small affair. At that time I was allocated as a Vorstand member. Actually I desired that Pfannmueller enter the body.

Q. When discussing this "affair" you mean the Administrative Committee?

A. Yes, the Administrative Committee for such a small company. These gentlemen told me at the time that the purpose of this Administrative Committee was that leading gentlemen of both the concerns could meet on these occasions and discuss questions connected with the business of the two firms.

When I came home after that meeting I made a file note stating exactly that; it says, and I quote: "The selection of leading gentlemen of Scheideanstalt and Farben and their appointment to the Administrative Committee was not done so much because of Degesch but because this body was suitable to enable these gentlemen to discuss current basic questions affecting to both concerns when they met."

Q. And this file note you made in 1940, you said, immediately after this meeting?

A. Yes, after the meeting, and I wrote it down for the information of Dr. Pfannmueller, who was somewhat disappointed that he was not appointed to that body. It was an explanation for him.

Q. Did I understand you correctly: normally, because it affected

a special field, Dr. Pfannmueller would have been appointed to this body, if this firm were to be supervised. The fact that you, as a Vorstand member, were delegated to that body was because actually you were concerned with other matters, not the administration of Degesch? Is my version correct?

A. Yes.

Q. Now, Dr. Wurster, one final question on this. Quite independently of all other considerations, what would you have done if you had had only the slightest suspicion that something was not quite proper in the business affairs of Degesch?

A. I would have investigated the matter immediately, without any hesitation. Actually I never had the slightest suspicion, and I could not have had any such suspicion. Even after all that I have heard during this trial, I see no possibility for my having harbored any such suspicions.

DR. HIGHER: Your Honors, this concludes the direct examination of Dr. Wurster.

THE PRESIDENT: Very well. We will not take up any further the interrogation of this witness until after the noon recess.

Just before we rise, may I say for the record that at the request of Judge Crawford the defendant Krauch will be excused from attending Court this afternoon to permit him to be present at a Commissioner's hearing, if he so desires.

The Tribunal will now rise until one-thirty.

DR. DIX: I beg your pardon. May I express the same request on behalf of the defendant Schmitz?

THE PRESIDENT: Yes.

DR. DIX: The witness Ester will be cross examined this afternoon, and that touches upon a matter concerning Schmitz. This was his secretary.

12 April-11-11-13-6-Biolsi (Ramlar)
Court 6, Case 6

THE PRESIDENT: The order will include Dr. Schmitz as well.

The Tribunal will now rise.

(The Tribunal recessed until 1330 hours.)

AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: The Prosecution may proceed with the cross examination of the witness, Dr. Hoffmann?

EXAMINATION

BY DR. HOFFMANN (for the defendants Ambros and von der Heyde):

Q Witness, as I understand your direct examination you testified that you became a member of the Vorstand in 1938. Now, you were in Ludwigshafen. Ambros also became a member of the Vorstand in 1938 and was also in Ludwigshafen, is that correct?

A Yes.

Q Was Ambros in Ludwigshafen all the time until the end of the war?

A He was always in Ludwigshafen and conducted all his business that he was charged with from there as well.

Q I am interested in one detail: Did he have an office in Ludwigshafen with a staff of employees? Perhaps you can describe that briefly.

A You can see that in the organizational chart of Ludwigshafen which I offered as part of my defense documents. From that you can see quite readily that Mr. Ambros had a lot of work to do in Ludwigshafen.

Q Is that Wurster Document 3, Exhibit 2, this chart?

A Yes, that's the chart.

Q Mr. Wurster, did you frequently, let's say daily, or weekly, talk with Dr. Ambros?

A We had constant contact with each other about those Ludwigshafen affairs that we must get together, and especially on those days when he was in Ludwigshafen because he was frequently absent by reason of his other work.

Q Did you at any time talk with Ambros about his anxieties or about his ideas and plans during the time until the outbreak of the war?

A Certainly.

Q Did you also discuss where things in Germany were driving to?

A He was merely concerned with certain developments, just as I was, too. But he was much more optimistic. That's his nature.

Q Was that optimism malicious?

A No, not at all. He is a very enthusiastic person. Expecially when he was given any task to fulfil.

Q During the war, Mr. Wurster, did you also have contact with him?

A Yes.

Q Perhaps it is superfluous, Mr. Wurster, to ask you....but we didn't discuss this before: I want to ask you extemporaneously, did he ever discuss the Auschwitz question with you?

A In the general outline.

Q Did he ever tell you whether this Auschwitz project was a voluntary affair for him or whether it was a compulsion?

A He expressed at the time that it seemed impossible for him to start another new plant.

Q When it was started, nevertheless, did he then discuss it with you, what caused him on his part to participate in this plan of Auschwitz?

A He had been given the order to carry this plan into effect. And if he had such an order then he undertook it with all the powers at his command. He regarded it as his duty.

Q Witness, then Ambros had a certain part of his work listed in the weekly reports and a certain staff was working for him in Ludwigshafen. These weekly reports contained the names Santo, Faust, Murr. Do you know these people?

A The first two I do know, but Mr. Murr I remember only faintly. He was a technical engineer. I know vaguely what he looks like but I have no acquaintance with him, I never worked with him.

Q What about the other two people?

A I know them personally.

Q Can you tell me what Mr. Santo's work was, that he did for Auschwitz?

A I can't do that exactly. According to the chart you can see that the connection these people had with us was such that they were given their mission about their field of work by the member of the Vorstand who was charged with the particular field of work. To give you a practical example: If a hood for acid was to be built in Ludwigshafen for the Inorganics Sector then I dealt with the competent construction engineer directly -- for instance, with Mr. Santo. If Mr. Santo had to make the project for a construction in Heydebreck, then he talked directly and exclusively with Mr. Mueller-Cunradi. That is how we arranged it and how our work was practically undertaken. For everyone had so much on his shoulders that that was quite sufficient and the collaboration was only possible for a long period of time if we respected the fields of work of each person. I should say that whatever was undertaken in this sphere was again reflected in the whole Vorstand; that was our usage.

Q And Mr. Faust's activity was similar?

A Yes.

Q Now I want to know from you, Mr. Wurster, would you have had misgivings against choosing people such as Santo and Faust for a project such as Auschwitz according to your knowledge of these two individuals?

A No.

Q Why not?

A I consider both of them excellent expert engineers and I was never given any indication that their character was not excellent. I know Mr. Santo very well. I know Mr. Faust less well because for the most part of his professional career he was in Oppau. But for a certain period of time he also carried out construction work for the Inorganics Department around the middle of the nineteen thirties and I know him from those times.

Q Mr. Wurster, you were in Ludwigshafen for many years. Do you know Mr. von der Heyde from that time?

A No, Mr. von der Heyde is an example for me for the impossibility of a conspiracy among ourselves. When I pleaded "Not Guilty" I saw him for the first time. I didn't know him before.

Q Did you know that from 1923 to 1936 he was working in Ludwigshafen?

A He was working in the Agricultural Department but I didn't have direct contact with him there. I was a prokurist only at the end of that period of time and therefore my field of work was restricted. The Agricultural Department in particular, and Mr. von der Heyde belonged to Sparte I which was even still further removed from my field of work.

DR. HOFFMANN: I have no further questions.

EXAMINATION

BY DR. HARTMANN: (for defendant Oster):

Q Dr. Wurster, I have only one question to put to you. In your capacity as a member of the Verwaltungsausschuss of Degesch, did you report to the Vorstand of Farben about Degesch?

A No.

Q Do you remember that any of the other gentlemen reported to the Vorstand about this matter?

A I do not remember that.

DR. HARTMANN: Thank you very much.

Mr. President, I want to make a request at this point for Mr. Kugler to be excused tomorrow, Tuesday afternoon, for the preparation of his defense.

THE PRESIDENT: That request is granted.

DR. HARTMANN: Thank you very much.

THE PRESIDENT: Anything further from counsel for the defense? The prosecution may cross examine the witness.

12 April 48-A-ATD-15-5-Biolsi (Int. Katz)
Court 6, Case 6

CROSS EXAMINATION

BY MR. VAN STREET:

Q Dr. Wurster, you testified that you attended the Betriebsfuehrer conferences after 1938. Is it correct, that you were the Betriebsfuehrer attending for both Ludwigshafen and the Oppa plants?

A That is correct.

Q And no one else represented the Oppau Plant regularly in the Betriebsfuhrer conference?

A No, not the Betriebsfuhrer conference.

Q Now, Dr. Wurster, in reference to your labor education camp, which was connected with the Ludwigshafen Plant, will you please tell us just how it came about that you had a Labor Education Camp at Ludwigshafen, very briefly?

A Mr. Prosecutor, may I say that the designation "Labor Education Department" is not quite correct for this institution. This institution was not meant to educate people for labor, but as said yesterday there were a few criminal elements whom one tried to educate to respect the law, for otherwise we could not use them in the plant. About the origin of this institution, I can not say from my own knowledge, because the negotiations were conducted by the Abwehrbeauftragte who was charged with the question of work discipline, as I have stated here, but I know that the institution was started in April or May 1943.

Q Now for the clarification of the record, is correct in referring to it as a disciplinary camp?

A In my direct examination I said that it was an institution under the jurisdiction of the Gestapo, and what conception the newspapers had about it, and when they decided to transfer people into this institution, and what directives they had issued for it, I don't know.

Q In other words you looked upon this camp, I suppose, as an institution of the Gestapo, is that right?

A That is what it was.

Q Now Dr. Wurster, you testified that this camp died a natural death at the end of 1943, or early 1944. Now in view of the fact that you said that it was a Gestapo institution, I am going to ask you how could that be when you also said in your direct testimony, referring to the period after August 1943, that this is a time when we were exposed constantly to the control and pressure of the State controlled agencies?

A I do not believe that the Abwehrbeauftragte reported directly about the fact that these barracks was temporarily not being used. The control of the State authority that I spoke about here referred first of all to the Labor Allocation Authorities, and that control went so far, Mr. Prosecutor, that we had a branch of the Labor Allocation Offices in our plant entitled, "Labor Office, Ludwigshafen, Allocation Agency, I.G. Farben" and all these control I spoke about referred to the Labor Allocation Authorities.

Q In other words, even though that you were supervised constantly, in your own words, by the Gestapo from August 1943 on, in particular, and even though this disciplinary camp was a Gestapo Institution, it is your testimony that it was able to die a natural death in the latter part of 1943, is that right?

A I said that in my recollection it was at the end of 1943, or the beginning of 1944 that these barracks broke down. That is the best of my recollection.

Q Now, Dr. Wurster, you testified that only the Gestapo was competent to transfer people to the disciplinary camp. Now weren't such transfers preceded by reports from the plant people?

A The counter intelligence agent had the duty to report any violations against working discipline for any criminal violations, and I said that he tried to confine this relief report to only the most severe cases, but if any one from the plant reported it as I gave an example of people who were among the foreigners themselves who reported others, these were cases where he could not escape passing on these reports without being punished himself. There were very strong governmental regulations, and as especially from 1944 on, for example, I remember one case —

Q Thank you very much, I think you have answered the question. Now, I am referring to Prosecution's Exhibit No. 1346, that is the Ludwigshafen's refusal, dated February 20, 1945, to release fifteen-hundred workers upon the request of the Labor Office, You remember the

document. Now in connection with this you stated on direct examination that as of that date, that is, February 1945, there was actually no production at all any more in the plant. Then you went on to say "if we had let this be known outside, the consequences would have been that most of the employees would have been removed to other parts of Germany." Now, Dr. Wurster, just how could you keep from the Labor Office, and other authorities, the fact that there was actually no production at Ludwigshafen as of February 1945?

A In my direct examination I already testified, Mr. Prosecutor, that around that time the High people in office did not show their faces around Ludwigshafen any more, because the air war had become so intense that these characters didn't show up any more.

Q Well, Dr. Wurster, if it was unsafe for the officials to come to Ludwigshafen, why would it not have been to the interest of the foreigners to have been permitted to leave?

A I believe, Mr. Prosecutor, it was in the very interest of the foreigners to remain where protective measures were the best, but that at that stage we permitted freehand to the foreigners as far as possible. It was already dissolution of the order, and a large number of particularly French workers found their own way home around that time, as will be shown by a few letters that we are going to introduce.

Q You mean some of the foreigners in February 1945 were leaving?

A In large numbers already.

Q And even in view of the fact you still refused to release fifteen hundred workers to the Labor Office at their request, is that your testimony?

A Yes, yes, because we didn't consider it desirable to expose these people to an uncertain fate.

Q Now, Dr. Wurster, the language barrier was one of your difficult problems in the employment of foreign workers, was it not?

A Yes, of course.

Q Now, I refer to your Exhibit No. 14, which is your Document No. 293, that is Wurster's Exhibit No. 14, Wurster's Document No. 293, that is a language primer. Now I ask was it not the only purpose of this publication to teach the foreigners German, or at least some German as quickly as possible?

A The foreigners themselves desired to learn German, and we supported their wishes, particularly, in view of the dangers that would have arisen for any one not knowing the language during practical work.

Q That was the purpose of the primer, to teach the foreigners some German as quickly as possible, is that right?

A In order to facilitate and to enlarge the possibility of understanding between the Germans and the foreigners in the factory.

Q Now, Dr. Wurster, I refer to Wurster's Exhibit No. 7, this is the Pictorial Pamphlet. This was published, as I understood it, in different languages, such as French, Dutch, Italian, and so on, in 1941, is that not right?

A Yes.

Q And such publications were used for propaganda and recruiting purposes, is that not right?

A No, not propaganda and recruiting purposes.

Q What were they used for then?

A In order to give the foreign workers a picture of their activity of their dayrooms etc. Maybe they sent them home, I don't know.

Q And the foreigners really had pictures for their dayrooms, and so forth?

A So far as I remember, they were distributed in the camps.

Q Now why did the foreigners already at Ludwigshafen need to be apprised by publication of the conditions they could actually see?

A I believe that this is the same thing as buying a picture postal card if one takes a trip and wants to have a picture of where one was. I can not describe the motives of individuals as to why these things were distributed to these people.

Q Very well. Dr. Wurster, I now refer to your Exhibit No. 12, this is Wurster's Document No. 8. It is a photostat copy of excerpts from a paper called "Le Pont." I refer briefly to an article in this paper entitled, "The Pharisees."

DR. WAGNER: I object to reference to any article, because when I offered this document, I submitted it only in view of the sport activity in Ludwigshafen which is described on an inside page and not in reference to any other subject matter. For as I stated, this publication was not issued by Farben, but by some other outside agency in Plauen in the Vogtland.

THE PRESIDENT: Mr. Van Street, you were interrupted before you completed your question. You may either complete your question, or state to the Tribunal your purpose in the question, what you mean there, as we will have your view on the matter before we rule.

MR. VAN STREET: Yes, your Honor. Your Honors, this entire paper gives standard excerpts shown here as to inhabitants. Now, furthermore, your Honor, there has been direct reference made so far as Wurster's exhibits, put in so far, as to their impartiality, their avoidance of propaganda material, and I got the impression, I may be wrong, of course, when this exhibit was introduced as an independent publication to a group of people, or at least to a group of French people residing in Germany and working here in Germany, and inasmuch as this is in evidence, I think it is very important for the Tribunal to know just what the nature of the publication is, otherwise, we will be bound to move that this entire document be stricken.

THE PRESIDENT: As I recall, and I am not too sure of how definite is my recollection, counsel for the defendant said when he offered it that he was offering it to show the participation of the people who worked in the plant in some social or athletic activities, and that it was not a Farben publication. Now, as I remember the evidence, if I am in error about it I hope some one will correct me --

MR VAN STREET: It is not a Farben publication, Your Honor, there is no questions about it.

THE PRESIDENT: Unless it is your purpose to connect either the defendant or some of the defendants, or Farben, with the publication, we will be unconcerned about any part of it except the part which was offered to show the participation of Farben employees in some social or athletic events. In other words, as you have well said, the document is in for all purposes, but at the same time unless you can connect the defendants directly, or indirectly with the publication, I can hardly see where it would be competent.

MR. VAN STREET: Your honor, this is a publication that was not only used to publicize what was going on at the Ludwigshafen plant with respect to French and Foreign workers, the French workers in particular, but it was also circulated and read by people at Ludwigshafen. Now I refer back for a minute to Wurster's Exhibit No. 7. This is a pictorial pamphlet, if Your Honors will look at the reading room here, you will see were on the picture of "Le Pont" and this is the paper I am speaking about.

THE PRESIDENT: This is the same one, of the same issue?

MR. VAN STREET: That I can not say, it is not plain now. The only thing I can see is "Le Pont."

THE PRESIDENT: I think perhaps counsel you had better ask your question, and Mr. Defendant don't feel called upon to answer until we have passed on the competency of the question.

MR VAN STREET: Preliminary to asking the question, Dr. Wurster, I want to refer to a very brief excerpt in the paper entitled "The Pharisees," and I quote: "In London as well as in Washington, as everywhere within the Allied camp, one prays for the success of the invasion. As a matter of fact, it is since a long time already that the Jew-Allies had made a real apostleship for their politics. Did they not receive from the Almighty the pious mission of guiding the nations of the earth?" Now my question is, Dr. Wurster, was not this publication recognized as a propaganda and collaborationist paper?

THE PRESIDENT: By whom do you mean?

MR VAN STREET: By everyone, Your Honor.

BY MR VAN STREET:

Q Wasn't it universally looked upon as such?

MR VAN STREET: Maybe the Court would be interested in this observation. There were probably thirty to forty papers published under the auspices of the German Labor Front in different languages, and so forth, and so on of the nature of this paper we are talking about, and naturally these papers and these publications cost money, and they had a purpose.

THE PRESIDENT: Now the substance of your question is whether this paper was generally recognized as a propaganda sheet?

MR VAN STREET: Yes, that's right, a propaganda and collaboration sheet, and the collaborationist goes to the very portion which we are talking about, namely sport events, and this is purported to be a sports events in which Frenchmen participated, and here we have a Frenchman giving the "Heil Hitler" salute, as a collaborationist and propagandist.

DR. WAGNER: That is an error, Your Honor. It is not the Hitler salute; that is the so called "Olympic Salute." That is an error.

THE PRESIDENT: The more you talk the more complicated is

this matter.

DR. WAGNER: That is what can be read in the newspaper itself. I am not an expert on this one or for other Salutes, my information is to the effect that this is an "Olympic Salute." The article itself states that this sportsman renders the "Olympic Salute." It had the same effect upon me as it did on you, because I understand a little about both of them, but you can read it yourself in this article and objective observers have confirmed it to me.

THE PRESIDENT: Just a moment, gentlemen. Now this question might well be deemed as calculated to show the character of this publication for whatever it may be worth, if you so intend. The Defense having offered it even though for a particular purpose, the Prosecution, perhaps, has the right to show how this publication was generally regarded, what sort of a publication it was, what the people thought it was. To that question the objection will be overruled and the defendant may answer if he knows, to whether or not this publication was regarded as a propaganda sheet.

A I saw this newspaper here for the first time when I was given my document books. Moreover, Mr. Prosecutor, you must differentiate between the first exhibit and that you saw with the printed publication of our plant. The newspaper about this was part of that but was printed from outside sources, and it was the affairs you probably described of the Labor Front. There will be no inference on that.

Q Dr. Wurster, will you please answer my question now.

THE PRESIDENT: That probably was answered. He said the publication of the report sheet, that probably was in substance the effect of what you were trying to show anyway.

THE WITNESS: May I make one additional remark. We would never have demanded or be undignified enough to ask a foreigner

to render the Hitler salute. I would have put it that way.

BY MR VAN STREET;

Q I notice here, Dr Wurster, that the name of Philippe Henriot is mentioned. You knew did you not that Philippe Henriot was the Minister of Information in the Vich-Laval Government?

A I didn't know that. I didn't even know that today.

DR. WAGNER: May I point out that Mr. Henriot is not mentioned in connection with the sport events, and any other word in the contents with which we have nothing to do.

BY MR VAN STREET;

Q Dr. Wurster, you sent a representative from Ludwigshafen for recruiting and to assist in recruitment of workers in the occupied countries, did you not?

A At various intervals people were in Paris who under the terms that have been described here repeatedly determined whether or not the voluntary worker recruited by the labor agencies was suitable for work in our plant from a professional point of view.

Q And you, of course, heard about trips or journeys of this man to these foreign countries?

A I didn't concern myself personally about it, but I would not have objected if somebody from the personnel department had considered such a trip necessary, but I say that that the only mission of this travel was recruiting voluntary workers.

Q I'll put it this way. You knew they were going?

A Yes.

Q Now, Dr Wurster, in your document book III, Document No. 220, that is English page 14, it is said, "the Ludwigshafen-Oppau plant didn't make it difficult with respect to the severance of their work contract of those foreign workers who wanted

to leave." Do you have that Dr. Wurster?

A Yes.

Q Now that policy, Dr. Wurster, would have some effect on your needed quota of workers because if a certain number broke their contracts you would have to have replacements, is not that right?

A Around that period of time the replacements were not required to be complete any more, because our production was already retrogressive around that time.

A I have already said, on direct examination, that we did not wish to retain any people with us by force if ever we could do so. The reduction in the number of employees and workers, as is shown by the chart, was closely followed with the development of production.

Q Well, you followed the practice, did you not at Ludwigshafen-
Oppau, of reporting people who breached their contracts?

A No, we did not follow that practice.

Q I show you Prosecution Document HI-11635, which will become Prosecution exhibit 2116. This, Dr. Hurster, is, as you will see, a file on a worker by the name of Michiels, spelled M-I-C-H-I-E-L-S, which came from the Labor Office in Amsterdam. Now, if you didn't report, for example, this worker's absence at Ludwigshafen, how did the Labor Office...

THE PRESIDENT: You asked two questions there, whether they didn't follow a certain practice and now you ask a new question. Separate those two, then we will know what the answer means. Just a minute, let another question come.

MR. VAN STREET: Your Honor, if you will recall, I think the record will show, that he answered "No" to the question of. . .

THE PRESIDENT: I am sorry. I didn't hear the answer. I wasn't conscious that he had answered that question. I just wanted to get the record straight. Now, restate the question.

BY MR. VAN STREET:

Q I now ask you, on the basis of this document which you have if you did not follow the practice of reporting workers who breached their contracts, how did the Labor Office in Amsterdam, know about this matter?

A I can't give you any information about this document from my own knowledge since it does not have anything to do with Farben. I have never seen it either. The Labor Office currently received a report on the number and type of employees in the plant which was required by law. If the Labor Office made its own conclusions from these statistics and made

inquiries that is, to fill out these reports, it was an affair of its own jurisdiction, but that does not mean that it was the practice of our plant to report absentees in order to have them brought back.

Q Now Dr. Wurster, wasn't this a little bit more than a statistical report, because this is headed up "Breach of Employment Contract, Last Employment I. G. Farben in Ludwigshafen on the Rhine"? That goes a little bit beyond bare statistics, does it not?

A On direct examination I stated, Mr. Prosecutor, that the police required this registration, and the law about labor allocation demanded of the plant a report to the effect that a worker was absent.

Q Dr. Wurster, it becomes your testimony that you did report but you were required to by law. Is that your testimony?

A In the most severe cases, I testified that our Abwehrbeauftragter could not extricate himself from such a matter especially if he had been given the report by somebody else, as was probably the case in this instance. But at any rate this was no principle, the principle was rather the opposite: to avoid such things whenever possible.

Q Dr. Wurster, you have mentioned the term "sabotage" in your testimony, and it has been the testimony of the defendants here generally, that failure to comply with orders concerning workers would be deemed sabotage. Now, is that also your testimony? Do you understand the question?

A Could you repeat it please, once more.

Q Is it your testimony, that failure to comply with orders concerning workers would have been deemed sabotage?

A I testified that certain cases of reports that had been omitted by the Abwehrbeauftragten would have been considered sabotage, or could have been considered sabotage, for instance in connection with a criminal offense.

Q Let's look at it this way for a moment. Suppose you had put in a request for a thousand workers, and then, when those thousand workers had been offered to you and you had refused to accept them, would that have been termed or deemed sabotage?

A Mr. Prosecutor, this is a hypothetical question. You have to describe the practical circumstances: When, where, and how, and why and by what agency. I cannot answer the question unless I have the practical circumstances.

Q I do not know how to be more practical. You did apply for foreign workers during the war?

A No, we merely reported that we needed a certain amount of workers for meeting our production quota, and I have repeatedly said that we always tried to get Germans if possible.

Q Well, let's put it this way. You applied for workers. Now, you in all cases excepting the two cases of concentration camp inmates, accepted those workers which were offered to you. Is that right?

A The two offers of the concentration camp inmates....

Q Pardon me, don't go into the concentration camp inmate angle. I am just asking you, you accepted all consignments of workers with the exception of those two instances of concentration camp inmates. I believe you can answer that "Yes" or "No".

A No, Mr. Prosecutor. For instance, if the Labor Office offered us 200 French workers, and we didn't have any room for them, because the French camp was full up we told them that we could not take in any French workers into the plant because the French camp was filled. But, we said for instance we had room in the Italian camp.

Q That would be just a question, though, of taking Eastern workers instead of French workers. But you did take the number, is that not right?

A Yes.

Q Now, suppose you had refused, in one of those instance, to take those workers in order to complete a contract? Would that have been termed sabotage?

A That would have been considered sabotage, unless we could prove why we could not take the workers that was a precondition. There had to be room for them, housing, etc.

Q Now, what did you understand to be the punishment for sabotage? What did you understand it to be? Would it have been imprisonment, death, or just what would the punishment be?

A I believe that would depend on the circumstances. I am not in a position to state that, since I am not a specialist in the interpretation of German law, and apart from Nurnberg, I never had anything to do with criminal cases. I am neither a specialist nor a lawyer.

Q Well, sabotage would have been considered very serious, would it not?

A Yes.

Q I now refer to your Document 160, in Book III, English pages 53 and 54. Here the affiant Odenthal, who was War Administration Inspector to the Troop Center Bitsch, in Lorraine said, "In this capacity, it was demanded of me to assign Lorrainian workers to Ludwigshafen under the Compulsory Labor Service Act. I refused this. Then I was transferred to Saarburg as a disciplinary measure."

Then, on page 54, the affiant further says, "In 1944 I received an OKH order instructing me to recruit large numbers of Lorrainian workers from Lorraine, and to allocate them in the armament industry of the Military District, and in the Ludwigshafen chemical industry. I did not obey this order and later on I was called to account for sabotage at the OKH in Berlin, Bendlerblock. As a matter of fact, since I did not obey this order, Lorrainian workers were not sent to Ludwigshafen."

Now, this affiant is today living and is President of the Regional Employment Office in Neustadt. Now, if sabotage, in reference to the

assignment of workers, had not been considered so serious, how do you account for the experiences of this man, your affiant, who states his experiences here under oath?

A I do not know the affiant personally, and I think you had better ask him himself. I cannot tell you that. I do not know the circumstances under which these events took place.

Q Very well. Now, you testified, Dr. Wurster, that Eastern workers arrived at Ludwigshafen in the second half of 1943. I now show you Prosecution Document MI-6311, which will become Prosecution Exhibit

DR. WAGNER: Mr. President, a question is involved, starting from a wrong supposition.....

MR. VAN STREET: Your Honors, I think that Counsel should refrain from testifying for the Defendant. If the question is wrong, or the date is wrong the.....

THE PRESIDENT: Go ahead, Dr. Wagner, tell us what you had to say.

DR. WAGNER: The Prosecutor said that my client had testified that the Eastern workers had come in 1943. He did not correctly state what the client said because my client testified that they came in 1942. That's what I wanted to point out.

THE PRESIDENT: Gentlemen, we shall not take the time to reconcile the differences which you Gentlemen seem to have. The record will show what the witness said, and unless he wishes, himself, to correct the question, let the question be asked.

BY MR. VAN STREET:

Q These are the minutes of a meeting of the Directorate of Ludwigshafen on 1 September 1942, and it is stated, and I quote: "The Gestapo had threatened to withdraw our Eastern workers from the plant on account of the escape of the 26 men from the camp." Now, Dr. Wurster, you apparently had Eastern workers prior to September 1942, according to this document, is that right?

A Mr. Prosecutor, you certainly did misunderstand my testimony. You yourself offered as a Prosecution Exhibit the minutes from a Directorate meeting, in which it was said that we expected the first 700 men in the spring of 1942, and unless I made a mistake in my direct examination, I spoke of 1942, for I knew very well that they came in 1942.

On Friday I said that I believed that I had not heard anything about these deportees, because after 1942 we received no Eastern workers from Russia. They all came earlier, that is, in 1942, not 1943. I only said yesterday that the children came in 1943 when they were born. This has been misunderstood.

THE PRESIDENT: In that connection, Mr. Prosecutor, I did not get your exhibit number for that document.

MR. VAN STREET: Your Honor, the exhibit number is 2117, which will refer to Document NI-6311.

BY MR. VAN STREET:

Q Was there any question in your mind, Dr. Wurster, that these Eastern workers were forced workers?

A It was exactly the way I described it on Friday. In my opinion, they came as a result of voluntary recruitment work. Of course they were very unhappy when they found out how the authorities were treating them in Germany.

Q Now, Dr. Wurster, you made applications for labor, from time to time, within the so-called Sauckel action, did you not?

A I didn't have any connection with the Sauckel action. I do not know what you mean by that. Sauckel action? I don't understand the question.

Q I'll show you Prosecution document NI-14031, which will become Prosecution Exhibit 2118. This is an application for the assignment of an industrial staff for the firm I. G. Farben, Ludwigshafen, directed to the Labor Office Ludwigshafen, and has under its heading, "Labor Office Ludwigshafen, Holland, Sauckel project."

A May I read this document. I have not seen it before.

Q Certainly.

A Evidently, this document is a printed form of the industry and not a document of Farben. I am trying to interpret this document. Apparently the Labor Office received a request for workers from us in connection with a production order. This request was caused by a production order. The Labor Office in turn wanted to meet the requirement. But, in connection with the Holland Sauckel Action, we had no control over it, and we could not know it.

By the way, this document bears no date, and it makes my interpretation of it very difficult. One does not know from what date it comes. But it certainly is not a Farben document.

Q Dr. Wurster, if you will look about the middle of the page, you will see 15 April 1942 to April 1943, which refers to the length of employment, so the document apparently is dated prior to 15 April 1942.

A Yes, but from that one cannot see what the date of this particular document is. These workers may have been requested to weeks earlier or perhaps two months earlier. I don't know. I am only saying this for the sake of order.

Q Now, I want to make sure, Dr. Wurster. You didn't know, I suppose, that Sauckel became Plenipotentiary of Labor in March, 1942?

A Of course, I knew that.

Q And you didn't know, I suppose, that at least from that date on, if not before, there was forced and involuntary recruitment in foreign countries? I suppose you did not know that?

A At that period of time still, voluntary recruitment took place. I was never in the Western Occupied Territory and do not know how the recruitment was carried out there.

MR. VAN STREET: That concludes my questioning in cross-examination. Thank you very much.

THE PRESIDENT: Mr. Van Street, with reference to the document, Prosecution Exhibit 2118, there is no signature to this document, Does your certificate show anything as to the source of this document?

MR. VAN STREET: Your Honor, I have been trying to check the very same thing, since I noticed when I presented the document that the signature was missing. But, we do have available information in our own files which will tell specifically where this document came from, and I, as a matter of fact, will.....

THE PRESIDENT: We are not raising any question about it. We are just...

MR. VAN STREET: Well, it should be done.

THE PRESIDENT: Yes, there should be some information as to the source of the document.

DR. WAGNER: May I make one remark, Mr. President. We wanted to look at the original of the document, but it was not available. I want to defer opinion on the document until we are able to see the original.

THE PRESIDENT: Very well.

BY MR. SPRINGER:

Q You testified, that in October 1940, Dr. Wurster, you were in Metz, in Lorraine, in order to tell the Chief of the Civilian Administration in Lorraine that Farben had decided against the acquisition of a plant, of the Kuhlmann Concern, in Lorraine. Quite by chance, you testified, you met two representatives of the United Oxygen Works at lunch. From your Document 311, Book II, which is an affidavit of an affiant of yours, concerning that matter. I note that the two officials of the United Oxygen Works were Director Kalbfleisch and Mr. Kretzschmer. Is that correct?

A I only remember Mr. Kalbfleisch, but not the second name, and, if I recall, I said that one was Kalbfleisch and the other man was from an authority.

Q Who was the gentleman from the authority? What was his name?

A I don't remember it any more.

Q Who else was present at the meeting besides Mr. Kalbfleisch and yourself?

A From my own memory, I can say nothing about it any more. It has been more than 8 years.

Q Wasn't Dr. Luer there also?

A Yes, Dr. Luer was at Metz at that time. He was from Frankfurt. He worked in that agency. That's correct.

Q You testified that these two officials, including Kalbfleisch, told you that they had been talking about leasing an oxygen plant. Was that the first time that you personally had engaged in discussions concerning the acquisition or the trusteeship operation of an oxygen plant?

A I remember no other discussion.

Q If I understood your testimony correctly, you said you were not a partner in these negotiations concerning the Lorraine oxygen plants. Is that a fair statement of your testimony?

A Yes.

Q Now, weren't you present when representatives of the United Oxygen Works tried to convince the Chief of the Civilian Administration that Farben should become, the trustee of the oxygen plants in Lorraine?

A That was probably discussed during that meeting, but I cannot remember exactly any more what was discussed, because I was only connected with it more or less on the fringe of it.

Q Didn't you lend assistance in attempting to get Farben as the trustee, at that meeting, among other things? At least?

A I do not remember that.

Q Now, didn't you talk to a high Nazi official order to obtain his support in connection with the acquisition or the trustee operation of the United Oxygen Plant?

A In direct examination I testified that I reacted to the request of Director Ludwigs in that letter, but that I no longer remember the form of this reaction.

Q. Now, apart from the letter, didn't you talk personally to a high Nazi official in order to obtain support? And by "talk" I mean oral conversation.

A. Perhaps there was an additional person in Metz. I don't know any more.

Q. Now, I will show you NI-15105, which will become Prosecution Exhibit 2119. This is a file note concerning the conversation with the chief of the Civil Administration in Metz on Tuesday, 8 October 1940 at 1:30 p.m., and I am only interested in the first paragraph plus the list of persons who were present. The first paragraph to which I particularly and exclusively refer you for the time being reads as follows: "The meeting, which was arranged by Professor Dr. Luer in the restaurant Mortrier in Metz, Roemerstrasse, had been preceded by conferences between the undersigned" -- the undersigned is Kalbfleisch himself; you will notice the "K". at the end -- "had been preceded by conferences between the undersigned and Dr. Wurster from I.G. Ludwigshafen, who had already contacted Gauleiter Buerschel about the Lorraine oxygen plants some time before, and Dr. Luer from this department of the Chief of the Civil Administration in Saarbruecken."

Now, you will then find the list of participants, altogether six people, before that. Now, is this the "chance" meeting of October 1940 to which you referred in your direct examination?

A. That is exactly as my memory was, that we met in a restaurant in Metz, and the man who was additionally present was Dr. Luer, who brought along the other people, because at the other occasion I was together with Dr. Decker. The conference of my own but merely a conversation by the undersigned of this file note, "K". My contact with Mr. Buerschel, the chief of the Civil Administration, was in connection with the rejection of the acquisition of the Kuhlmann plant. Whether he also spoke about the Diedenhofen affair at the time I cannot say any more. But this meeting actually took place by chance, purely by accident.

Q. Now, since you testified a little further about this matter, suppose you go over to page 6 of the original, where it says as follows: "Towards the end of the conversation Gauleiter Buerckel came into the restaurant and greeted Professor Dr. Luer and Dr. Decker, as well as the other people present, who were introduced to him. Turning to Dr. Wurster, Gauleiter Buerckel remarked in a friendly tone, "So I.G. is represented too".

Now, do you mean to say that Dr. Buorckel had been sent by you on that same day before you met in the restaurant? Is that your testimony?

DR. WAGNER (Counsel for defendant Wurster): Mr. President, from this document various passages are being read, one passage at the beginning and then another passage towards the end. I believe the witness should be given an opportunity to read the entire document in piece and then to make statements about it. We must do this too if we want to know what is contained in the document.

THE PRESIDENT: Well, the witness is the better judge of that. The Tribunal will say to him that if he is questioned about a document that he thinks he should read before he answers, he only needs to indicate to the Tribunal and we will give him an opportunity to read it. The Prosecution cannot produce a four-five page document, take out parts that it wishes to ask questions about and require the defendant to answer until he knows the contents of the document.

On the other hand, if the defendant can answer without reading the document, certainly there is no reason to take time for him to read it.

MR. SPRECHER: Mr. President, my question is directed very simply to a simple point, namely, whether or not the defendant had seen Gauleiter Buorckel on the same day before this so-called "chance" meeting in the restaurant.

THE PRESIDENT: Then you quote or refer him to a certain part of this document in order to refresh his recollection. He is entitled to

know what the documents. Perchance it might be possible there is something else in the document to lead him to a different conclusion. So, now, if he can answer, he can answer, but if he feels that he is entitled to read this document before he answers, only fairness requires that he be permitted to do that.

A. I can answer... I do not remember that I had previously on that same day seen Mr. Baerckel.

Q. Now, let us go over to Poland. You testified concerning the report of your trip to Poland in October, 1939, which is in evidence as Prosecution Exhibit 1134. Did you show copies of your report on Poland to any other Farben official, apart from the defendant Baergin?

A. To the best of my recollection, I sent it only to Mr. Baergin.

Q. Did you report about your inspection of the Polish plants in the fall of 1939 of any other leading officials of Farben except the defendant Baergin?

A. I remember that in the Vorstand meeting and in a meeting in Ludwigshafen I reported about this trip particularly and exclusively about my impressions of the effects of air raids upon chemical plants. That is the best of my recollection, and I believe that it was reported to those two bodies.

Q. Did you report on the economic condition as well as the technical condition of the Polish plants you visited to the Vorstand?

A. Not as far as I remember. As far as I remember, the very brief report was limited to my impressions that I described because we were all concerned about that.

MR. Prosecutor, if you read this note, you will see that I always paid particular attention to this on my trip because I was also worried about my own plant in the same connection.

Q. Your testimony then is that you reported concerning the effect of air raids upon the chemical industry in Poland to the Vorstand, is that right?

A. That is my observations in the few plants that I had visited were narrated, that is my recollection.

Q. Now, you said you didn't have anything to do with the acquisition or the operation of Boruta thereafter. As a matter of fact, Dr. Wurster, didn't the Vorstand decide on the very same day that you made your report to the Vorstand concerning your inspection of Polish plants that a dummy corporation should be planned in order to acquire or to operate the Boruta plant -- on the very same day?

A. I do not remember any more, but it certainly was not in connection with my report, for the negotiations conducted by representatives of Farben about this affair all were antedated. They were before my trip and were not in connection with my trip.

Q. Now, in this connection, Your Honors, we would like to introduce NI-15107, as Prosecution Exhibit 2120. These were extracts from the 11th Vorstand meeting of the 8th of November, 1939, and I think that can just go by way of supplementation of the testimony we have just had.

THE PRESIDENT: Mr. Sprecher, I am just wondering. This isn't an instance here of where you are putting in some evidence-in-chief that is neither cross-examination nor rebuttal. This doesn't dispute anything that the witness has said.

MR. SPEECHER: I beg your pardon. May I refer to the document?

THE PRESIDENT: Yes.

MR. SPEECHER: I don't think we will have to be detained longer on that, Your Honor.

Mr. President, do you have paragraph 2, the report on industrial plants in Poland there?

THE PRESIDENT: Yes.

MR. SPEECHER: Do you notice in the second line with respect to the trips of both Buergin and Wurster?--"Both gentlemen report on their general impressions as well as particularly on the technical condition

and the economic situation of the plants inspected..."

THE PRESIDENT: Now, does that dispute the witness's testimony?

MR. SPRECHER: The witness testified that as far as he remembered he did not report on the technical conditions of the plant.

Now, if you further look down and see the decision made during the report of the Commercial Committee, under "3", where they discuss the acquisition of Boruta, the direct relationship between a report concerning the economic and technical conditions of the plant and an approval by the Vorstand concerning some steps to be taken pursuant to acquiring these plants--it seems to me it is exceedingly clear.

THE PRESIDENT: That is just the point that I was thinking about; your point last mentioned there. I think that I remember that you had evidence-in-chief on that, did you not, on the organization of this buffer company?

MR. SPRECHER: Yes, Your Honor, there has been evidence concerning that buffer company, but the last witness indicated that there was no relationship between his activities and this acquisition. Perhaps introducing this document would have been anticipatory and cumulative--and Your Honors specifically asked us to avoid introducing anticipatory and cumulative evidence at the early stage of this trial. We have attempted to comply.

Now, when we come to a piece of testimony like we have just had, I don't think this is any longer anticipatory--and it is certainly no longer cumulative, and adds to the whole coordination between the trip which this defendant had, although we certainly don't say that that was the only thing that inspired Farben to acquire the Boruta plant. But we do submit that it shows a direct relationship which Your Honors must consider in connection with measuring the conduct of this and other defendants.

THE PRESIDENT: Well, I am more concerned about keeping the Prosecution conscious of not abusing the functions of rebuttal by giving

us cumulative documents than I am about the question on this particular document. Your point may be well taken, but please scrutinize your documents pretty carefully so that we do not get ourselves into a situation of having documents presented under the pretext of rebuttal that should have been in-chief. That is just an admonition. I am not ready to say that this violates that rule; I just wish you would watch that because that is a danger that is hard to guard against.

The Tribunal will rise for its recess at this time.

(A recess was taken.)

(AFTER RECESS)

THE MARSHAL: The Tribunal is again in session.

MR. SPRECHER: Mr. President, may I interrupt just a second, about a small stipulation with respect to Prosecution's Exhibit 1891? This was an extract from TEA minutes concerning the fact that about 80 per cent of the new plants of I.G. Farben were operated under MGX or GS numbers since the beginning of the Four-Year Plan.

I just talked to Dr. Boettcher about this matter, and he has discussed it with the defendant Krauch. The MGX or the GS numbers were the priority numbers issued by the Krauch office with respect to building materials, including iron, steel, wood and cement. He recalls at the time there was a little confusion.

I don't see Dr. Boettcher. I thought he was here.

THE PRESIDENT: Dr. Boettcher is here, and I assume that is correct or he would be on his feet and on the way over to meet you there, so we will take that stipulation for the record.

MR. SPRECHER: I did not observe Dr. Boettcher. I thought he had left.

CROSS EXAMINATION - resumed

DR. CARL WURSTER

BY MR. SPRECHER:

Q. Dr. Wurster, I would now like to talk a little bit about the Ludwigshafen-Oppau plant with you. Now as I understand it you were the youngest Betriebsfuhrer of the largest Farben Plant, if you take the Ludwigshafen and Oppau together as a Plant. Is that correct?

A. Yes, that is correct.

Q. How many different chemical products were made in the Ludwigshafen-Oppau Plant?

Approximately; I don't expect you to remember exactly.

A. It is a figure with four places.

Q. There is more than 1000, in other words; is that right?

A. Yes.

Q. Now on your document 1, that is Wurster Exhibit 1, the Oppau section of the plant is not filled in; is that correct?

A. Mr. Sprecher, what do you mean by the question, "not filled in"?

Q. Well I just mean the actual building and so on are not shown; or am I mistaken?

A. My chart is in black and white; there is nothing that can be filled in.

Q. I beg your pardon. Show us the so-called Oppau section of the Plant, by indicating it in connection with one of the Lagers, - one of the camps for example.

A. I would say that the Oppau part can be found between Camps I and IV. Try and draw a line between Camp I and Camp IV, and on the right hand side you will see the Oppau Plant, roughly speaking. Did you understand me?

Q. Yes.

A. Left of that line, are a number of buildings which also belonged to the Oppau part. I cannot give you a sharp division, but what I said now was correct, roughly speaking.

Q. Then roughly speaking, -- and I understand that counsel will agree to this also, -- if we draw this line you have suggested from Camp IV in the top center, down through Camp I at the bottom center, we would have a rough division between the two different sections of the so-called Ludwigshafen-Oppau Plant; is that right?

A. But you must make a certain reservation, Counsel. For instance, the Traffic Department, the Transportation Department, with all of its workshops and its installations, was exclusively left of the line, but served both parts of the plant. There are many such examples. As far as production is concerned, the division would be correct.

Q. Thank you. Now, Dr. Wurster, referring only to the Ludwigshafen side of the line, we have just drawn on this map, could you point out any geographic areas of the Ludwigshafen part of the Ludwigshafen-Oppau plant which were entirely organic areas, that is, devoted exclusively to organic chemistry?

A. For instance, the part of the plant located on the Rhine, close to the railway, mostly produced dye-stuffs. Otherwise, the other plants rather overlapped. Unlike the Leverkusen plant, this plant did not originate at the beginning of the Century, but continued to expand through the years. Therefore you don't have a clear division, and unfortunately, I cannot give you a better definition.

Q. That corresponds with my information also; thank you.

Now if you will take your Wurster Exhibit 2, and lay it before you please; that is an organization plan that you submitted for Ludwigshafen-Oppau between 1938 and 1945. I notice at the bottom of that chart that there are a number of departments indicated, - here at the bottom center, - called the Assistant Management Department, the Engineering Department, the Traffic Department, the Purchasing Department, and the Bookkeeping Department. Now under whose direct supervision were these various departments I have just mentioned?

A. These departments were divided and I can give you an example. In the Accounting Department there were the people working on nitrogen calculations, and they were immediately belonging to the Mueller-Conradi. When Dr. Hoffmann asked me I gave him an example pertaining to the Engineering Department. If, in the Engineering Department, a nitric acid plant for Oppau was constructed the department referred directly to Mueller-Conradi. If another part of Chemistry was worked on there, then I was in charge.

From a social point of view, I may repeat, I had the entire responsibility for all of the departments in my capacity as Plant Leader.

Q. Yes; the point I am trying to get a little clearer, has to do with the technical side; the administration within this giant factory.

Now the Wurster Exhibit 1 shows that the railroads within the Ludwigshafen-Oppau Plants ran in between the nitrogen parts and the inorganic parts, and the organic parts, and you have just testified that the organic and inorganic parts were quite mixed themselves. Now my point is this, Dr. Wurster, Didn't you have some difficulty some

COURT VI CASE VI
12 Apr 48-22-4-A-AEH-Stewart (Ramlor)

times with respect to what technical division, nitrogen or organic or inorganic, - which technical division should have priority about things like tank cars or railroad equipment? How was that worked out between you and Ambros and Hurster and Mueller-Conradi? You were all Vorstand members at this one plant.

A.- Every sub-department had its own departmental chief; for instance, there was some conflict with respect to tank cars — whether they were used for inorganic or organic purposes. Then the two departmental chiefs came to some understanding. One would say that he needed it at the moment because something has to be delivered; the other said, "All right, you can have it first if I am sure that I get it back within nine days." Such questions hardly came up to our level. If they did come up to our level, we objectively came to some understanding on the basis of the facts as they were.

Q.- Now just so at least I am a little clear — I don't claim to be much of a chemist — I hope to make this a little clearer to the Court. Organic chemistry, as I understand it, includes all chemical compounds which are directly based upon or contain carbon, is that correct?

A.- It's not quite correct, counsel for the prosecution, but approximately it is. I could hardly reply to that briefly, but your definition is approximately correct. These are certain carbon compounds which belong to inorganic chemistry.

Q.- For instance, carbide?

A.- That is right. Yes, you found the right place now. Carbide, from a chemical point of view, is an inorganic product. If such a product is needed quite specifically for a certain purpose, one came to some understanding and said that one would leave it on one side. This division between organic and inorganic chemistry was made reasonably and not according to some very rigid principle. Another example: much discretion was left to the inventors. If somebody in the inorganic department had invented some substance where organic products are also found, then I came to some understanding with Mr. Ambros. As I said, all these matters overlapped and a decision was made from a purely reasonable point of view.

Q.- Then you partly answered my next question which was along this

line. Were there very many of the departments or sub-plants, which are shown by the buildings on your Wurster Exhibit 1, which involved both organic and inorganic chemistry?

A.- It was rare that there were two separate production in one building. I don't remember one such case. The buildings as such were separated.

Q.- Now were the products from some of the organic departments used later on in some of the inorganic departments for further compounding?

A.- Do you mean organic products in the inorganic department?

Q.- Yes.

A.- That would be a very rare case.

Q.- Now take it the other way around: inorganic products in the organic department. Did that happen more often?

A.- Yes, that is a very natural incident because the inorganic products are always the preliminary products for the further processes of chemistry. Inorganic products are hardly necessary for a purpose in themselves.

Q.- And when one studies chemistry, one studies organic first and then inorganic, is that right?

A.- That is right.

Q.- Mr. President, I am getting to a point. I trust you —

THE PRESIDENT: I just wondered. I thought you might get a stipulation to your qualifications as an expert and save a little time. Go ahead. That is all right.

BY MR. SPRECHER:

Q.- Now is it not true that both carbide and acetylene were produced at Ludwigshafen?

A.- Yes, that is true.

Q.- Now, was acetylene an organic product?

A.- It is a borderline case, and you can discuss it — well, acetylene is organic but it's a point of discussion.

Q.- Now was not acetylene one of the intermediate products for Buna?

A.- That is true.

Q.- Now what department, as shown on your Exhibit 2, Dr. Furster, assembled and consolidated the credit requests for the Ludwigshafen-Oppau plant before they were passed on to the technical committee, or were they passed on without being consolidated?

A.- I didn't quite understand your question, counsel.

Q.- I think I asked a double question. Did you pass on the credit requests from the Ludwigshafen-Oppau plant before they were passed on to the technical committee, or were they passed on without being consolidated?

A.- I didn't quite understand your question, counsel.

Q.- I think I asked a double question. Did you pass on the credit requests from the Ludwigshafen-Oppau plant which ultimately had to be approved in the TEA — in the Technical Committee — did you pass those on as a consolidated group of requests, or did they go as individual requests?

A.- That was divided according to the Spartes: Sparte I and Sparte 2.

Q.- Yes; so Mueller-Cunradi forwarded his credit requests through the Sparte Office of Sparte 1 since nitrogen was involved, is that correct?

A.- Yes, that is correct.

Q.- But with respect to the organic and inorganic divisions principally within the Ludwigshafen side of the plant, they were consolidated and sent from Ludwigshafen to the Sparte Office from Sparte 2, namely Dr. Struss' office, is that correct?

A.- Not quite. The preparation of such credits was made by the responsible departments. Then they went to the Sparte 2 Office through the medium of a letter. The Sparte 2 office was in Frankfurt. You mentioned Dr. Struss' office in Ludwigshafen but he was really in Frankfurt.

Q.- I meant to say in Frankfurt, of course. Now who sent this consolidated request? What department in Ludwigshafen sent that under Dr. Struss in Frankfurt?

A.- The accounting department.

Q.- Now didn't you and Dr. Ambros and the directors of these various plants which are indicated on your organization chart, Turster Exhibit 2, hold regular directorate meetings at which you discussed your mutual problems?

A.- That is true.

Q.- Did you discuss the credit requests for construction, for example, before it was forwarded on to Dr. Struss in Frankfurt?

A.- Generally not in that circle. That was done by the experts because otherwise it would have meant a repetition.

Q.- Well, did either you or Dr. Ambros approve these credit requests before they went on to Dr. Struss?

A.- Yes.

Q.- And did you usually get together at the time they were consolidated before they were forwarded, or did you handle that for him, or did he handle it for you?

A.- That was compiled by the accounting office, and it was mostly coincidence as to who wrote the letter. Mostly those letters were not written by either of us because we didn't have to be around. It was mostly a purely formal affair.

Q.- Now just so we understand the organization in such a large plant as this a little better, I have a question on the purchasing side. When you purchased, were things charged up to the organic or to the inorganic departments, or were they merely charged up against Ludwigshafen according to the records of Dr. Dencker at the Central bookkeeping in Frankfurt?

A.- The purchasing department at Ludwigshafen, as all other purchasing

departments, had a special position. It was partly a purchaser for the factory concerned, but beyond that every purchasing department had a certain department within it for Farben; for instance, Ludwigshafen bought coal, and in this capacity the departmental chief had to undergo negotiations which had nothing to do with the plant.

Q.- I was referring to the internal Farben exchanges. Now when Ludwigshafen products were sent to other Farben plants, did Ludwigshafen, as a whole, get the credit in Dr. Dencker's central bookkeeping department, or did it go to the organic division or to the inorganic division?

A.- Counsel, unfortunately I can't answer the question. I have only become a financial man and a commercial man from 1945 to 1947, but before that date I would never concern myself with these bookkeeping details. There were gentlemen whose job it was to deal with these things. I only know about these things since up to the war, but not before.

Q.- Now this afternoon we introduced Prosecution Exhibit 2117. I have one further questions on organization concerning that document. That is the Directorate Meeting of the 1 of September 1942, and I am only asking you about the people above who are shown as "present" or "excused". Were they the directors of the various -- were the people shown there at the top of that exhibit, either as present or excused, were they the directors of the various departments you have shown on your Wurster Exhibit 2?

A Partly yes, partly no. Generally these were the directors shown on Wurster Exhibit 2. From case to case, however, other people were called upon to attend these meetings. For instance, a Mr. Hagen is mentioned here who was not a director and who was only present for a certain reason on that day. Or a certain Mr. Link was mentioned who is not a departmental chief either and who was only called in for some reason that day. There was no firm rule but it was done according to need.

Q Who acted as chairman at these directors' meetings, Dr. Wurster?

A At these directorate meetings, as this example shows, I myself acted as a chairman.

Q Now, at these directorate meetings, did the various division heads report on new construction within the Ludwigshafen Oppau Plant?

A In individual cases I am sure he did. I don't know what you mean by reporting on new constructions.

Q Well, I notice the minutes in several places note that the various departmental heads reported on new construction within their departments. Now, I was really getting to the fact that no new construction went on within this plant without the directors discussing it at least generally in the directorate conference. Isn't that a fact?

A Only more important things.

THE PRESIDENT: Are you approaching something material here. We have used about twenty-five minutes now on matter that impresses us, if it is important at all, as purely preliminary.

MR. SPRECHER: Yes, it's partly preliminary, Mr. President and it's partly in connection with your understanding and at least my understanding of some of the testimony of the defendant with respect to his knowledge of what went on within this plant in the nature of its operations.

BY MR. SPRECHER:

Q Now, is it a proper statement that your principle responsibility

to the Farben Vorstand involved the Ludwigshafen-Oppau and Goldbach plant?

A Yes, from a social point of view in my capacity as plant leader. The Goldbach plant, however, had its own plant leader according to law.

Q And is it also true that so far as the defendant Ambros is concerned Ludwigshafen was only one of many plants where the defendant Ambros had responsibilities directly to the Vorstand?

A As I said before he had additional responsibilities. For instance, I had to be in charge of the sulphuric acid commission which went beyond the plant.

Q Now, after you became chairman of the sulphuric acid commission, did you not attend TEA meetings, even before you became a deputy member of the Vorstand?

A I believe that I attended one or two meetings as a guest because I was asked to comment on a lecture, but before 1938 I was not a member of the TEA nor directly a visitor of this meeting. I don't think there were more than two meetings which I was at before 1938, and at those only upon special invitation.

Q Now, did the sulphuric acid committee or the Sulfuruko committee, determine the quantities of sulphuric acid which were to be produced by the various Farben plants?

A Yes.

Q Now, did you become a member of the mineral oil committee of Farben, which was headed by Dr. Bueteftisch?

A No.

Q Now, a number of the documents introduced in evidence here forward information or circular letters to the heads of the various works combines, and you are normally referred to as the second person on those as "Director Doctor Wurster, Works Combine Upper Rhine." Did your office receive copies of the minutes of all the various sub-committees of the TEA?

A Partly yes. This concept, Works Combine Upper Rhine, stayed because up to the end of 1937 my predecessor, Dr. Gaus, was actually the head of a works combine, but as soon as I was appointed this concept ceased to exist.

Q Dr. Wurster, I didn't mean to reopen that question during your cross-examination. I wanted to ask about the minutes, -- because I didn't write the documents. Suppose that you give me any indications of minutes of the sub-committees of the TEA which you did not receive, if you recall any.

A Certainly many of these minutes were addressed to me, and they were assigned to the departmental chief in question. Let us say minutes came from the Kuepenfarben committee. Then the secretary sent these minutes to the chief of the dyestuffs department and that was the practice. Such minutes, for instance, would not be read by me because there is nothing I could do with them. Sometimes perhaps I did read them.

Q Now, Doctor, my question isn't at the moment connected to whether you read them or not. My question is if you know of any minutes of the sub-commissions of the TEA which were not sent to your Ludwigshafen office.

A I believe there were a number I did not receive.

THE PRESIDENT: Let's make that simple. Did you receive all of them? That was what the question calls for.

A I believe not.

BY MR. SPRECHER:

Q You don't recall any specific ones that you know you did not receive.

A I don't believe, counsel, that I received any minutes pertaining to Sparte 3 Sector, just to give you one example. I certainly did not receive many of the minutes from the meetings of Sparte 1. I am not sure about Sparte 2. For instance, I didn't receive the minutes of the dye-

stuffs committee, just to give you another example.

Q Now, Dr. Wurster, your presence in the Vorstand of Farben, from 1 January 1938 until 1945, includes each of the years when Germany was engaged in aggressive acts or aggressive wars. While you were still a deputy Vorstand member in March 1938 German troops occupied Austria. At any time after this occupation of Austria and before the German collapse of 1945 did you ever indicate by any concrete action that you did not agree with or ratify the foreign policy of the Nazi government?

A Counsel, in my sphere I had no possibility to discuss such questions with highly placed dignitaries of the Nazi party and voice my opinion. My influence and my name didn't go that far.

Q Now, you answered that you never assumed that the increase in the military forces of Germany was intended to rob other people of their land, their property or their freedom. Dr. Wurster, to mention in this connection but one account in which German military forces were used, let me ask you this. When Czechoslovakia was completely occupied in March 1939, did you not yourself feel at that moment that the German military forces had been used to rob another country of its freedom?

A Counsel, today we see these matters in a different light than at the time. At the time our propaganda presented these matters to us in such a manner that they were contracts between the states and we were asked to believe that it was possible to peacefully negotiate with these countries. That is how it was presented to us and no other interpretation was given. I really had no survey of the political situation as it actually was. Today, of course, the matter looks different because we know the truth.

Q Did you consider at the time that there was any question of peaceful negotiation about the military occupation of March 1939 when Bohemia and Moravia were occupied?

A I can't give you any other reply than I gave you before. I couldn't really look over the situation.

Q Now, how far from the Ludwigshafen plant was the West Wall which Hitler completed after the reoccupation of the Rhineland in 1936?

A That was not in 1936 when it was completed after the occupation of the Rhineland. In my opinion in 1939 it was not at all completed and it was so far from being completed that in my opinion it couldn't possibly withstand any military invasion. Now, with respect to the first part of your question I would say it was fifty to sixty kilometers away. It depends upon the points of the West Wall you mean. The next was sixty kilometers but in 1936 nothing of it was in existence. I think it was only started in 1938.

Q Now, which direction from the Ludwigshafen plant was the closest point of the West Wall?

A I really would have to study a map in order to reply to your question. It's hard for me to give you that information by heart.

Q You remember when it was under construction - that was the main thing. You remember that time?

A Yes.

Q Now, in connection with preparations for the possible acquisition by Germany of territory of other states, I have a question about a Vorstand meeting, a Vorstand meeting in the middle of September 1938 - that is to say the same year in which you became a Vorstand member, and just before the Munich pact. At a Vorstand meeting at that time, was there any discussion in your presence about the necessity for making quick decisions under certain circumstances with respect to the Aussig Plant in the Sudeten area of Czechoslovakia?

A This instance is so very specific that I can hardly tell you whether it was discussed at the Vorstand meeting or not. A few days before that I had returned from a journey abroad. Throughout August and the first part of September I wasn't in Germany at all.

THE PRESIDENT: Mr. Prosecutor, this defendant testified in chief eight hours. Under the formula that the Tribunal thought would be reasonable in most cases, the prosecution should use approximately not to exceed one hour and forty minutes in cross examination. According to our calculation, the prosecution up to this time has used two hours and fifteen minutes. We think without arbitrarily cutting off your cross examination that you should pretty promptly bring it to a close.

I may say further, with all due regard to you, that we do not think the cross examination for the last considerable time has been very helpful to the Tribunal in developing any facts of any substantial importance.

Q. Isn't it true that when you were present, just before Munich, the Vorstand decided in a small special committee consisting of the defendants ter Meer, von Schnitzler, Kuehne and Ilgner who should be appointed to deal with the question of the chemical plants in the Sudeten part of Czechoslovakia, in view of quick decisions which might have to be made? Don't you remember that?

A. Counsel, I really can't tell you now whether any such case was discussed at the time or not.

Q. Well, you testified about mobilization matters. Do you recall that at this same Vorstand meeting or at any Vorstand meeting, just before Munich, in the Vorstand measures for the event of war and a mobilization incident to war were discussed?

A. I don't remember that either because such questions, as far as I remember, were not discussed at all.

Q. Now, I will show you NI-15080 which will become Prosecution Exhibit 2121. These are extracts from the Vorstand minutes of September 1938 and if I may, Dr. Wurster, I would like to refer your attention to page 3 of the original under Point 2 of the agenda where it states:

"Dr. von Schnitzler speaks about the situation of Russia and about the necessity of making quick decisions under certain circumstances and to prepare those decisions now."

And then I would like to also refer your attention to page 6 of the original where it states:

"Dr. von Schnitzler reports about measures for the Mob Case in respect to personal matters as well as records, the safeguarding of stocks and accounts receivable, and the price level. Kommerzienrat Waibel supplements this information and Dr. Oster reports about corresponding measures in the field of nitrogen."

Does that refresh your recollection that those matters were discussed in the Vorstand?

A. Even if reading these excerpts from the minutes, I don't remember the discussion in detail. The report of Mr. von Schnitzler on the Commercial Committee was naturally not carefully listened to by the technical men present; but, looking at the document, I can tell you nothing in addition because, after all, the matter is ten years past.

Q. Now, Doctor, last Friday morning you testified that you never participated in any mobilization discussion. Now, isn't it a fact that you personally attended a number of the conferences during 1938 and early 1939 with military and other ranking authorities in which the military authorities expressed grave concern that Ludwigshafen alone produced all or a predominant part of many war important chemicals which was a bad condition because Ludwigshafen was near the French frontier?

A. As far as I remember, these discussions were either held by representatives of Vermittlungsstelle W or by the liaison men for that purpose whom I mentioned during direct examination. I only remember these matters and I actually never attached much value to the discussions.

Q. Did General Thomas visit the Ludwigshafen plant in 1938 and 1939?

A. I don't believe so, counsel; I don't know General Thomas.

Q. Did any representative of the High Command visit the Ludwigshafen plant in 1938 and 1939 to discuss these questions of these war important chemicals which Ludwigshafen produced in connection with this question of Ludwigshafen's location close to the frontier?

A. I don't want to exclude the possibility that experts were sent to

the Ludwigshafen office but I don't remember any specific incidents.

Q. Didn't you send some representatives to the army authorities in 1938 and 1939 in order to find out what production Ludwigshafen could continue in the event of war?

A. For instance, that was the discussion which I quoted during my direct examination as the result of which Mr. Moll was interested in that matter because he had to know whether he would be able to release personnel to the Wehrmacht in the Mob case.

Q. Now, you testified that the government and the OKW were interested in the stockpiling of Pyrite because of the Spanish civil war. Is it a fact that at least as early as January 1935, some time before the Spanish Civil War, Farben stored more than twenty million kilograms of pyrites in addition to the usual stockpiling amount?

A. Counsel, I did not say that the Wehrmacht agencies were interested in these stockpiling in 1937. I only said during direct examination that I considered it entirely probable that small stockpiling in Central Germany was done upon the request of the authorities. I then said there were twenty-five thousand tons which is a ridiculous amount in relation to a yearly consumption of one hundred million tons. This is how I recollect an event taking place fourteen years ago. The second stockpiling act in 1937 was a purely economic matter.

Q. Now, when the Reich informed you that Ludwigshafen storage was not to exceed more than ten thousand tons at any one time, did you consider that a purely economic matter?

A. That was connected with thoughts of these agencies which in direct examination were called the immobilization of my plant and that shows, too, that I could not possibly have thought of an aggressive war because they said that even stocks could be kept in that area. They had to be transferred to somewhere else and that did not exactly sound like an aggressive war.

Q. Now our Exhibit 127, NI-566, shows that you attended a nitrogen conference at Leuna on 22 September 1937 at which about ten Vorstand

members were present. This was before you were a Vorstand member. Were you informed as to why you were asked to that Leuna conference on nitrogen?

A. I believe that I visited the area at the time but I can't tell you exactly what the reason was. I can't tell you now why eleven years ago I attended a Sparte meeting which I normally would not attend. I really don't recollect what the motive was.

Q. Now, with respect to nitrogen I have a question again pertaining to the time just before Munich. Were you not informed in the Vorstand of I.G. Farben by the defendant Buetefisch that, in spite of Germany's nitrogen capacity, production of nitrogen just before Munich could hardly keep pace with the increased requirements.

A. If that was said at the time it would have seemed to me to be entirely natural. I remember very well that the increase in the distribution of fertilizer nitrogen was tremendous. The pharmacists once more had more money. There was a battle for production and those very nitrogen factories producing fertilizers had reached a book. That is what I remember and that is how it was.

Q. Now, again referring to the last two or three weeks before the Munich pact, isn't it true that you were informed by the office of the Technical Committee of the need for immediately ordering additional quantities of raw materials so as to be prepared for the event of war?

A. Counsel, I don't remember ever having received any such notification, I really don't believe so.

Q. Now, during this same period of time, just before Munich, didn't you discuss with the directors of the Purchasing and Transportation Departments at Ludwigshafen of purchase, storage and transportation of raw materials in connection with mobilization?

A. Perhaps you could show me a document. Perhaps there were traffic disturbances at the time. At the time the Westwall was built we had transportation difficulties. Tremendous cement transports went into the Palatinate for the Westwall and we had disturbances quite frequently during

these two years when these so-called fortifications were constructed. It may well be that in connection with such a transportation difficulty I discussed that question with my expert but this is ten years ago and I don't remember any specific detail.

Q. Do you recall again just before Munich that at the meeting of the technical directors in Ludwigshafen it was reported to you that the air raid protection had been intensified and that already 50% of the employees could be housed in the air raid shelters?

A Counsel, that was a provisional settlement which was requested by the Air Ministry for everyone who had any cellar which could be confirmed with some support, any such cellar was designated as an air raid shelter. We had connection with the Air Raid Protection Association in order that it may leave us alone. At the outbreak of the war, unfortunately I had a great deal of worries as to what I would do if air attacks actually started at Ludwigshafen, but the organization of that association I think went back to 1943 and there were people who wore some uniform and they were very happy if they could discuss such questions, but really I was very little interested in it. It only came up during the war.

THE PRESIDENT: Mr. Prosecutor, I indicated to you a little while ago that under the schedule that the Tribunal had set up we deemed about one hour and forty minutes is simple time for the cross examination of this defendant in view of the time that he testified in chief. The Prosecution has now used two hours and one-half. The Tribunal cannot permit this cross examination to continue and expect other counsel to observe in good faith what they have theretofore demonstrated of keeping within their limitations of time. It is necessary for me to say, counsel, that you must now conclude this cross examination.

MR. SPEECHER: Mr. President, may I, if it is your pleasure, make a remark or two in connection with the problem that we are now still faced with--

THE PRESIDENT: You may state what you have to say for the record. We are here to allow you that privilege.

MR. SPEECHER: Mr. President, we don't have the chance in advance to plan the presentation of a question like the examination of the defendant's witness or a defendant, of the defendant or the defendant's witness, and particularly since your Honors have announced in Court the question of this time limit. I think that we sometimes get rather evasive answers which take up quite a lot of time and we don't get to the point enough so that we can proceed more rapidly.

Besides that, when a defendant takes the stand it is our one time to go fully into the case with him. Now, for our purposes, particularly in view of the direct examination may be a mechanical or exact time schedule may not at all enable us to do justice for our case within that arbitrary time. I think your Honors will recall that in one or two instances we have been below this so-called 20% schedule for the prosecution and I just point that out to your Honors in connection with this problem. Now, if the Prosecution from time to time shortly upon first appearances has not been too efficient in some of its questioning we don't feel that that should really prejudice us with respect to finishing a good trial in respect to the subjects we are asking about which are new and are relevant.

THE PRESIDENT: Well, Mr. Prosecution, representatives of the Prosecution staff sat in the informal with the Tribunal and representatives of the Defense... I may say to you that counsel for the Defense, many of them, very strongly urged that we were applying a too-tight schedule to them. That was our judgment, as to what was reasonable and fair, and counsel generally -- and I may say that has been true up to this time -- the Prosecution have kept within the reasonable bounds of that schedule. As I said before, it is hardly fair to counsel for the Defense, nor to the Tribunal, now, at this stage, a cross examination to the extent which this has been carried. We wouldn't be inclined to place an arbitrary, strictly-to-the-minute limitation on you. I hardly feel that your statement that some times longer leeway is justified because of evasive answer is true here. We have heard this defendant testify. His answers have been fairly responsive to your questions and under the circumstances I may say to you that it is the unanimous decision of this Tribunal that you have carried this cross examination far enough.

MR. SPEECHER: Thank you.

THE PRESIDENT: Are there any other questions, gentlemen?

DR. WAGNER: (counsel for defendant Dr. Wurster): Your Honor, at first I looked at the photostatic copy of the prosecution document XI-11031, Exhibit 2118. Upon looking at this copy and the certificate I must object against the admissibility of that document. This document bears no date; furthermore, it bears no signature, and it does not state in the certificate where the document was found. Under these circumstances it is my point of view that it is not admissible and cannot be used as a piece of evidence.

THE PRESIDENT: Has the Prosecution anything further to say with reference to the admissibility of its Exhibit 2118?

MR. VAN STREET: Your Honors will undoubtedly remember that by the President's own motion it was suggested that we furnish additional information as to the source of the document.

THE PRESIDENT: Had you asked that approval, to keep the matter open until you had an opportunity to do that?

MR. VAN STREET: I think that that would be the fair thing to do, your Honors.

THE PRESIDENT: Then perhaps under the circumstances it would be less confusing if we mark it for identification at this time and hold up the question of its ultimate admission until you have had an opportunity to see if you want to supplement the certificate.

MR. VAN STREET: Yes, Your Honor.

THE PRESIDENT: Thank you very much.

DR. WAGNER: I have a few questions concerning the documents submitted by the prosecution.

RE-DIRECT EXAMINATION

BY DR. WAGNER:

Q Dr. Wurster, would you please take hold of these documents in their sequence. I shall start with Exhibit No. 2116. In the upper left corner it bears the note, "Labor Office. Amsterdam, German Labor Office."

A Yes, I have that document in my hand, and when reading it through I can confirm my opinion that this is correspondence of German authorities within and outside of Germany. It never came before me. From my own knowledge I can add nothing to the document.

Q At this point may I ask whether it is correct if I state the following: Your plant had a card index file in which, naturally, the entry and exit of all employees are contained. According to what you know, did the Labor Office, too, have an analogous card index file, and did the Labor Office have to know and be notified of the contents of the entry into your own card index file in order that it may gain an exact insight into the movement of labor?

A I think that the Labor Office naturally had such a card index file. If the incident occurred in 1944 we had a local Labor Office in our factory which was entitled to get insight into every labor matter in our factory. It even went so far that the Labor Office representative wanted to attend conferences as to the distribution of workers in the plant.

Q In other words, these official authorities gained first insight into all the movement and disposal of workers?

A Yes, entirely.

Q According to your experiences, would it be possible that on the basis of such insight this police order originated without your plant or from representatives particularly having to deal with it.

A I don't only think it possible, but also probable because this concerns a time when our Labor decreased already.

Q Thank you very much. That is all in connection with that point. I shall now turn to Exhibit 2117, that will be Prosecution Exhibit 2117, which deals with the directorate meeting at Ludwigshafen on 1 September 1942. In that document, Dr. Wurster, which numbers seven pages, do you see that on page 2 in the one last paragraph it is stated that for the labor employment of the Eastern workers measures would be promulgated, and in particular that Mr. Schaefer of the Purchasing Department

who speaks a fluent Russian; would be employed for that purpose?

A Yes; I saw that passage and I remember the meeting very well because it meant a very important interference with the life of the Eastern workers. I remember very well that we considered as to how to circumvent these constant restrictions because of not having made proper fences.

Q What do you mean by fences?

A I mean barbed wire fences. At the time we thought we would approach the police and ask them to give us policemen because we knew exactly we wouldn't get policemen. That is how these minutes came about. As I said before, no such guards ever arrived. And that was the situation at the time.

Q Did you read that document, did you read it through entirely?

A No, do you want to draw my attention to another passage?
The introduction shows that we had a commission which was investigating.

Q. It was an investigating commission?

A. Yes, that was frequently the case, and that is how it all started.

Q. Dr. Wurster, would you please listen to me. You made a quick and brief remark about this matter on this fence enclosure, and then you explained you used the word "barbwire," and these are matters with which you are very fluent but that other people don't know these things very well, will you please explain the fact briefly and very clearly so that all of us understand what you actually mean to say?

A. The Law provided that Eastern workers be enclosed in barbwire fence. We never constructed that barbwire fence. We then received a written reprimand from the Gestapo who objected to that state of affairs, when they inspected. That occurred a few months before the meeting, but even after that reprimand we didn't construct the barbwire fence, and, from the minutes you can see that not even in September 1942 it shows there that we had difficulties in the making of that enclosure, and shows all these expressions of ours in order to circumvent the official order.

Q. At any rate, there was never a barbwire fence. It is very clear now. Do you intend to add anything to this Exhibit No. 2117?

A. No.

Q. I shall now turn to Prosecution's Exhibit No. 2119, that is a file memorandum which originated from the Vereinigte Sauerstoffwerke?

A. This file memorandum concerned exactly what I testified to during my direct examination. From page 3 of the German copy I can see that mention is made that a certain Mr. Arnold repeated what had been agreed upon during the morning and this file note referred to the afternoon at the restaurant. My recollection was true to the effect that these "Oxygen" gentlemen were only themselves together with their own experts, and they met Dr. Decker and myself at the restaurant, and then asked us to stay. Even on the fourth page of the German copy it is stated, and I quote: "Director, Dr. Wurster, who treated other matters

pertaining to Farben during that discussion." That confirms my recollection that I was there with respect to the Kuhlmann matter. The end of that file memorandum proves that my reply to counsel that I did not speak to Mr. Buerekel that morning was absolutely correct, because, otherwise, Mr. Buerekel would not have said, "Well, Farben is also represented," and I was the only one from Farben who was there. In other words, I don't believe my memory deceived me. It has actually been as I told it during direct examination, and afterwards during cross examination. I was temporarily present in the restaurant but I was not an actual partner of the negotiations.

Q. And this Mr Decker who is mentioned here as a member is the same Mr. Decker from whom we shall submit an affidavit on the matter?

A. Yes, he is the same Mr Decker.

Q. You have already quoted a passage from that file note that was on page 4, that was the fourth sentence from the bottom of the page: "Director, Dr Wurster who treated other questions concerning Farben during the conference," and now the quotation continues, "Has supported our presentations in an appreciable manner." Do you know how the author came to write such a thing? Did you support any presentations, and if you did to what extent, and in what sense did you?

A. During my direct examination I said that I understood quite well that in the destroyed territory one needed oxygen. So far as I remember the United Oxygen Works were to place money in the fund at the disposal of such project, and I think that is the sense of what I said. I entered the conversation quite unprepared.

Q. I shall now return to Prosecution's Exhibit No. 2120. These are minutes of the 14th Vorstand Meeting on 8 November 1939?

A. Yes, I read these minutes, and these minutes do refresh my memory. When I said I reported on the event of air attacks, then that is a fact, on the technical and economical effects, and I was predominantly interested in those effects. I was not interested whether 80,000 or 28,000 tons of bombs were dropped, but I was only interested

in the effect, If I told counsel for the Prosecution that those stories were not true, then the document proves that. It says at the bottom that in the report to the Commercial Committees that the receiving company is intended, and that was all discussed through the Commercial Committee, but I was not present and I don't know when it took place. That is to say, this document proves to me that my recollection was quite correct, and everything was as I replied to counsel when counsel for the Prosecution put the question to me. I was not very long in the plant, until my trip, because the trustees were also there, and they know the situation quite well.

Q. Dr. Wurster, would you please state the following, didn't the Chemical Committee at a certain time passingly, as it were, discuss the question of the chemical side, and didn't it reach some sort of decision?

A. Yes, many weeks after the authorities assigned me to this trip, the Chemical Committee had decided that the chemical side was not interested in such products. I remember that, but I don't know when the meeting took place. It must have been in September or October 1939.

Q. That is before you made that brief trip to Poland?

A. Yes, it is to say, the attitude in that sector of Farben referred to that field.

Q. I am now turning to Exhibit No. 2121. You were asked about the location of Aussig, and its situation. Some statements of Dr. von Schnitzler concerned the same, concerning Aussig, and some concerning the MOB-case?

A. Even in the study of those minutes, I can not say anything then what I have already stated, that I didn't remember any details of the conversation. On 14 September of that year I returned from abroad, and to the present time show that I attended the meeting but I can not tell you any specific details what it was at the time, and I don't know anything about the Party mentioned there. I am sure about one thing, however, that is about the question of the Commissars,

which was later discussed in which no mention was made of it, because I would have remembered that. Mr. Tor Hoer said, "I myself was surprised about those things, and I am sure that was not discussed." That is something I remembered specifically.

Q. One more question. I now have to put a question to you with respect to Document No. 2618 to which I objected with respect to its admissibility into evidence. Now Your Honor shall I postpone the question which I have to put with respect to that question?

THE PRESIDENT: You may question the witness in the interest of time, and if the affidavit goes out then your testimony will go out, but since he is here, and if you can conclude very briefly.

DR. WAGNER: Yes, very briefly.

BY DR. WAGNER:

Q. What struck me, Dr. Wurstler, when I looked at the form produced here; then I shall have to put the following question to you. It says here "Special knowledge of 300 metal workers," and then I can not read something that is here, and then it states, "Knowledge of the German language." That is the sense of asking for 300 metal workers, and then saying "Knowledge of German language." Can you explain that?

A. I can merely imagine that was an expression in that way in order that they may understand each other, but I can not imagine it could be possible to make any such request of the Labor Office.

Q. You saw the photostatic copy, did you not?

A. Yes, I saw it.

Q. Don't you think it is the form and the number of the workers as filled in by typewriter, and that since this is directed to the Labor Office, the Labor Office itself filled in these typewritten notes?

A. When we were dealing with human beings we never used the words "Order number" and then in the lower left it is stated "Model 14." Farben would never use that term. It would use DIN. Now most probably it is the form in which is included whatever the authorities wrote. I don't know why they did it, and how.

DR. WAGNER: That concludes that document. I have a few more questions.

THE PRESIDENT: How long will it take you, Doctor?

DR. WAGNER: I will tell you exactly. I will try to hurry up as much as I can.

THE PRESIDENT: It is time to recess, and there is an indication there may be some other questions to be asked the witness. We can not hear you, Dr. Hoffman, from where you are.

DR. HOFFMAN: Your Honor, I want to put a few questions to the witness, also.

THE PRESIDENT: Under the circumstances, we perhaps had better recess. May I say for the record that at tomorrow mornings session Dr. Tor Moor may absent himself from court to attend a commission hearing which relates to his side of the case, if he so desires. He may use his own judgment.

DR. BORNEMANN: I want to make that very application, Your Honor.

THE PRESIDENT: Any other application? If not, the Tribunal will recess until 9:00 o'clock tomorrow morning.

THE MARSHAL: The Tribunal will recess until 9:00 o'clock tomorrow morning.

(Whereupon the Tribunal adjourns to 0900 hours, 13 April 1948)

CERTIFICATE OF COMMISSIONER

Under directives of United States Military Tribunal No. 6, testimony of witnesses listed below was required to be taken before the undersigned Commissioner. Pursuant thereto the said Commissioner has conducted hearings at which the following witnesses have fully testified:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
8 April 1948	Walter Warlimont	10875-10907
9 April 1948	Kurt Krueger	11128-11163
12 April 1948	Karl Weber	11165-11175
12 April 1948	Paula Ester	11177-11199
13 April 1948	Ernst Struss	11293-11338
14 April 1948 &	Christian Zahn	11444-11490
15 April 1948	" "	11587-11612
16 April 1948	Bernhard Schoener	11706-11723
19 April 1948	Adalbert Feindal	11827-11841
20 April 1948	Josef Grobel	11842-11860
20 April 1948	Gustav Pistor	11861-11878
21 April 1948	Emil de Haas	12098-12128
21 April 1948	Heinrich Schuh	12129-12140
23 April 1948 &	Heinrich Schindler	12337-12370
28 April 1948	" "	12707-12777
26 April 1948	Walter Kikuth	12461-12498
26 April 1948	Hans Sauer	12500-12512
27 April 1948	Wilhelm Duellberg	12598-12621
29 April 1948	Theo Goldschmidt	12871-12909
29 April 1948 &	Anton Reithinger	12910-12953
30 April 1948	" "	13075-13092
29 April 1948 &	Rudolf von Spretty	12954-12960
30 April 1948	" " "	13065-13075
30 April 1948,	Rudolf Schmidt	13093-13133
3 May 1948 &	" "	13620-13629
6 May 1948	" "	13651-13719
3 May 1948	Wolfgang Alt	13246-13269
3 May 1948	Carl Gadow	13271-13291
3 May 1948 &	Kurt Hartmann	13292-13316
4 May 1948	" "	13412-13450
4 May 1948	Fritz Dion	13450-13460
4 May 1948	Kurt Eisfeld	13461-13479
4 May 1948	Adolf Taub	13480-13489
5 May 1948	Ernst Struss (for Pros.)	13566-13619
6 May 1948 &	Werner Schmitz	13720-13735
7 May 1948	" "	13861-13891
10 May 1948	Max Winkler	14173-14181
10 May 1948	Fritz Hirsch	14195-14209
10 May 1948	Ernst Kraschewski	14210-14220
10 May 1948 &	Franz Fuerstenberg	14221-14245
11 May 1948	" "	14377-14384
11 May 1948	Heinz Savoleberg	14387-14424
11 May 1948	Karl Aunscheidt	14425-14439
11 May 1948	Reinhold	14440-14455
10 May 1948	Friedrich Selcher	14482-14494


During the said proceedings the following exhibits have been offered in evidence:

PROSECUTION EXHIBITS

<u>Exhibit</u>	<u>NI No.</u>	<u>Official Transcript</u>
2302	PS 2353 C	10899
2303	L79	10904
2304	14036	11145
2305	14034	11182
2306	15070	11183
2307	14236	11302
2309	14232	11312
2311	15062	11327
2312	15063	11330
2314	14257	11468
2315	13524	11473
2316	14256	11473
2317	14251	11485
2318	14252	11476
2319	14014	11482
2320	14039	11834
2321	13084	11848
2328	10532	12615
2329	10528	12616
2323	10907	12706
2330	13525	12733
2331	15021	12878
2332	3763	12915
2333	15145	12921
2334	15146	12923
2335	8647	12927
2336	15132	12933
2337	1514	12942
2338	14098	13106
2339	13534	13111
2340	15215	13126
2341	15260	13620
2342	15173	13286
2345	7637	13728
2346	7666	13730
2352	15290	14382
2353	15296	14392

I, the undersigned Commissioner, do hereby certify that the aforesaid official transcript pages comprise a full, true and correct report of such proceedings, testimony and evidence heard and recorded therein before me.

Dated at Nurnberg, Germany, May 28, 1948.


JOHNSON T. CRAWFORD
Commissioner of Tribunal No. 6

Official Transcript of Hearing before a Commissioner for Military Tribunal VI, Case VI, in the matter of the United States of America against Karl Krauch, et al, defendants, sitting at Hurnberg, Germany, on 9 April 1948, Commissioner Johnson T. Crawford presiding.

THE MARSHAL: The Honorable Commission for Tribunal VI is again in session.

DR. SCHULZ: Mr. Commissioner, for the record I would like to make the following statement. The cross examination of the witness, Warlimont, yesterday and the cross examination today was brought to the knowledge of the Defense in time, and, therefore, no objection can be made against the proceedings.

THE COMMISSIONER: The record will so indicate.

DR. GIERLICH: If Your Honor please, Gierlich for the defendant Schmitz.

Judge Crawford, the witness, Dr. Krueger, for the Defense is available for cross examination with regard to the affidavit we have submitted, and that is dated 31 December 1947. It is in Document Book Schmitz Volume 4 and has Document No. Schmitz 51 and Exhibit No. Schmitz 51. Over and beyond that this same witness, Krueger, has made a further affidavit for the Defense and pertaining to the defendant Schmitz, this affidavit is dated 6 April 1948. In the interest of simplifying the proceedings and on the strength of a stipulation between myself and Mr. Amchan of the Prosecution, this affidavit has been placed at the disposal of the Prosecution this morning, and the Prosecution do agree that the cross examination of this witness, Krueger, will pertain to both the prior and this present affidavit with the stipulation, however, that in case the Tribunal rejects the acceptance of this affidavit which has not yet been formally introduced, then the part of the cross examination pertaining to this second affidavit will be crossed out and stricken from the record.

MR. AMCHAN: Counsel for the Defense is entirely correct. We should just like to amplify the record somewhat because it is the beginning of a new procedure that the Prosecution and Defense have agreed to. There

is an affidavit which the witness, Krueger, has executed on 8 April 1948, and that affidavit I am informed is intended to be submitted by the defendant Schmitz on his behalf. It has not as yet been formally introduced in evidence. The Prosecution has discussed the general problem with the Defense and we have come to a general understanding and agreement, namely, that where a witness has executed an affidavit for one defendant and at the time he is actually called before this Tribunal or the Commissioner for cross examination, if it appears then that he has executed additional affidavits either on behalf of the defendant for whom he was initially called or on behalf of other defendants, then in the interest of expediting these proceedings we will undertake to cross examine him on the other affidavit which he has executed so that when we give notice hereafter that the Prosecution desires to cross examine a Defense affiant and identifies the particular affidavit of that affiant, it should be understood that the Prosecution's request is without prejudice to further examine that affiant with respect to other affidavits which he may have executed on behalf of this defendant or other defendants. We shall, of course, give timely notice to the Defense, informing them of the precise affidavits that we intend to direct our cross examination to. I make this statement for the record so that all Counsel would be advised, and I think generally it will facilitate these proceedings and expedite the proceedings.

Now with respect to the witness for today, Dr. Krueger, he originally was called by the Prosecution with respect to the affidavits or affidavit which he executed on behalf of the defendant Schmitz. Since the date of the Prosecution's notice he has executed additional affidavits for other defendants. In today's hearing because of the inability to find out all the other affidavits and in view of the fact that some of the defendants for whom this witness, Krueger, executed affidavits have not as yet taken the stand -- some have -- this cross examination today will be limited to two affidavits mentioned by Dr. Gierlichs that the witness, Krueger, executed on behalf of the defendant Schmitz. The Prosecution

will not interrogate him on any other affidavits that he may have executed and did execute for other defendants. In the event that we consider it necessary to further examine this witness with respect to his other affidavits, we shall give due notice of our intention.

DR. GIERLICH: Gierlichs for Schmitz.

Mr. Commissioner, in order to avoid any misunderstanding that might arise, I would like to clarify that when we stipulated with the representative of the Prosecution concerning the extent of the cross examination to such affidavits also as have not yet been offered to the Tribunal in a formal manner, my only intention was to make a statement on behalf of myself. In other words, it was not my intention to cover these cases, Krueger and Kester for the defendant Schmitz, by the statement I made and to at the same time bind the other Defense Counsel in their liberty of movement.

In case Mr. Amchan or the Prosecution have the intention of making this stipulation valid for all Defense Counsel, I would like to take the liberty to suggest that this question be discussed once again in open court when the whole Defense Counsel have the opportunity to explain their views to this question. At least I would not like to bind the other Defense Counsel by the stipulation I made with Counsel for the Prosecution.

MR. AMCHAN: Counsel is entirely correct in this respect that the understanding that Dr. Gierlichs had with me was limited to the defendant Schmitz. Now when I discussed on the record a moment ago the general problem, my statement on the record is based on a discussion that I had with Dr. Mueller who was the administrative assistant for all Defense Counsel. Now I do not mean to say and I do not want to be understood to say by that statement that there is such a stipulation. There is an informal understanding between us that such a procedure would be satisfactory. My only reason for stating it on the record now is so that all Counsel can see the record and at least understand what we consider to be an informal understanding. If on further consideration they are not inclined to stipulate along those general lines, why, then

we will deal with each individual case as it comes up. There is no intention by the statement I made to bind all of the Defense, and there would be no necessity to take it up before the Tribunal. I think it will suffice to have a statement on the record, and I think the Prosecution and Dr. Mueller can informally dispose of the matter in conference.

THE COMMISSIONER: I think we are clear.

DR. GIERLICH: Very well, Your Honor. May I then call the witness?

THE COMMISSIONER: The Marshal will call the witness.

KURT KRUEGER, a witness, was examined and testified as follows:

THE COMMISSIONER: The witness will raise his right hand and repeat after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will omit and add nothing.

(The witness repeated the oath.)

THE COMMISSIONER: The witness will be seated.

DIRECT EXAMINATION

BY DR. GIERLICH:

Q. Dr. Krueger, the subject of today's cross examination is your affidavit dated 31 December 1947 for the benefit of the defendant Schmitz and also your recent affidavit dated 8 April 1948 also for the benefit of the defendant Schmitz. The only question I have is: Is there anything on your own initiative which you would desire to rectify in any of these two affidavits or to supplement?

A. No.

DR. GIERLICH: Your witness.

MR. AMCHAN: For the record I think it should be noted that present at this hearing are the defendants Schmitz, Kuehne and Gattinocu, and the defendant Ilgner is represented by his Counsel.

THE COMMISSIONER: The record will so indicate.

CROSS EXAMINATION

BY MR. AMCHAN:

Q. Now, Mr. Witness, did you ever attend a Vorstand meeting?

A. No.

Q. What was your official contact with the defendant Schmitz?

A. I was his subordinate in my capacity as Chief of the Central Finance Department where I worked as a deputy of Dr. Ilgner, who was directly subordinate to Herr Schmitz.

Q. Is it a fact that Dr. Ilgner was your immediate superior?

A. Yes.

Q. On the average how often did you see Dr. Schmitz each month?

A. That I cannot answer in a general way. That was different as time went on.

Q. Well, let us take the year 1938. In the year 1938 could you give me a figure, or for any given month? Pick your own month, say, May 1938 could you tell me how often you saw Dr. Schmitz on official business?

A. No, that is quite impossible. How can I answer that? I don't know whether I or Geheimrat Schmitz in May 1938 were in Berlin where I worked. The only thing I could do would be to say that there were months when I saw Geheimrat Schmitz very often. There were other months when I saw him less often and other months again when I didn't see him at all and didn't talk to him at all. There were such periods, you know, and above all there were periods of work where a very close and almost daily contact was necessary, and again there were periods where it was superfluous for me to drag myself out of my work and go and see Geheimrat Schmitz to ask him for decisions or expert opinions.

Q. Did you have to report regularly to Geheimrat Schmitz, or did you only see him when he called you upon special occasions?

A. No, I didn't only see him when he called me, but particularly when on account of my work I had to find out that this was the point where questions were involved which I had to report on to Geheimrat Schmitz and where I had to consult Geheimrat Schmitz in a regular system of consultation hours; a jour fix as the French would say, we didn't have. The reason was that both of us were quite a bit outside of Berlin

or worked outside of the normal station we were attached to. In other words, there were always many more occasional meetings caused by the work and by the nature of the work and by the decisions to be taken together.

Q. Is it a fair statement then to say that you only saw Schmitz occasionally in connection with your work?

A. Well, only occasionally -- that is very ambiguous, you see. You could interpret that in a quite different way than I expressed it just now. What I would like to say is there were periods when I saw him very frequently and there were other periods when I didn't see him so frequently.

Q. Can you give me an average of the number of times you saw him during the year 1938? Fifty times?

A. No; that is too much.

Q. Twenty times?

A. That might be too little.

Q. Did you see him when Dr. Ilgner was in the office or did you only consult with Dr. Schmitz when Ilgner was away?

A. I saw him when Ilgner was in Berlin and I did see him also when Ilgner was not there. Between Ilgner and myself there had been an understanding on the request of Geheimrat Schmitz that I had the right to report to Geheimrat Schmitz directly and could also discuss matters with him which I had not previously informed Ilgner of because otherwise the machinery would have been too much slowed down and the business decisions on account of the many absences of Ilgner and his constant overburdening of work if he were present would have suffered considerably.

Q. Could you specify and particularize the nature of the subjects that you have discussed with Dr. Schmitz? Take the year 1938 as an example. Give me the general subject matter.

A. Well, the only thing I could say is I discussed whatever topic would come up in our affairs which was part of the routine work, and occasionally he would receive reports on that. There were specific transactions where, of course, he was much more interested and where

COURT VI CASE VI
9 Apr 48-15&16-7-A-AEH-Putty (Troidoll)
COMMISSION

he had to make a decision once in a while. There were also some times personnel questions to be discussed and particularly if the question was to have the non-Aryans released as dealt with in the affidavit and to fix the general procedure for this release. Now in order to comment on this topic a little bit, because that might help the sense and the purpose of my interrogation here, I would like to say that after all it was very important for me that in this very particular task I had enough backing particularly by Geheimrat Schmitz.

Q. I am sorry, I didn't understand what task you were talking about. Will you please indicate what task you were talking about?

A. Well, I do think that I just said that, apart from the financial transactions and financial work, I had to deal and direct personnel questions, because these questions arose from my field of tasks, as chief of the foreign currency work arising in the organization, and which were dealt with in the central finance department. It was my task to see to it that the non-Aryans to be released from the combine did receive the indemnifications applied for or provided for them, and that they did receive the foreign currency permits for these indemnifications. I had to draw up these applications and to submit them, and as well as the question whether and in how far such indemnification could be taken into consideration by the IG Farben and could be applied for with the Government agencies. I, in general, currently discussed and agreed upon these matters with Geheimrat Schmitz, because I personally had a great responsibility in this matter in view of the political situation, but also toward the firm, and by my attitude which was agreed to and which was known abroad and in Germany in favor of the non-Aryans, I imperiled not only my person but also the interests of the IG.

Q. Just excuse me for a minute, Mr. Witness, I didn't inquire about your attitude, I am inquiring specifically on your official contact with Dr. Schmitz, and I am not interested in your personal attitude for the moment. Now, let me put the question to you, and please listen to the question.

A. Yes.

Q. How many times in 1938 did you discuss with Dr. Schmitz questions of dismissal of non-Aryan employees? You said you discussed with Dr. Schmitz questions relating to dismissal and compensation of non-Aryan employees, is that correct?

A. Concerning the policy to be followed in these cases I discussed with him, yes.

Q. How many times did you discuss that policy?

A. I couldn't tell you that.

Q. Now, did you discuss policy or procedural matters of seeing that they were compensated after they were dismissed?

A. Well, that would depend whether it was before the release or after. The cases would vary in nature.

Q. Did you ever discuss generally the non-Aryan policy of IG Farben with the defendant Schmitz?

A. Oh, yes.

Q. Tell me when and under what circumstances?

A. Well, I couldn't give you the exact date?

Q. Approximately?

A. Perhaps the best illustration would be if I take individual cases and point them out to you.

Q. Now —

A. I am now thinking back to the Oppenheim case, the Loderer case, Jacobi —

Q. I don't think —

A. Flechtheim and many others, but I would take up more time. In order to give you a precise answer to this question, I would need more time to think it over.

Q. Could you give me approximately, without going into individual cases — tell me how many times you discussed generally — now, I am asking you generally, did you discuss with the defendant Schmitz the non-Aryan policy of IG Farben during 1938? Can't you give me a general estimate?

A. No, I couldn't do that.

Q. All right. Now, were you informed of what transpired at the meetings of the Commercial Committee in connection with the discussions about the dismissal of non-Aryan personnel? Were you informed about that?

DR. GIERLICH: Objection. In order to prevent misunderstanding, I want to clarify that the Financial Committee is something different from the Commercial Committee. I wanted to clarify that also.

MR. AMCHAN: That is correct.

Q. Do you understand my question, Mr. Witness?

A. Well, yes, but you don't — it is just the point, I don't know now. I am a little bit confused. Is it the Commercial or the Financial Committee now you are speaking of?

Q. The Commercial, the Kaufmaennischer Ausschuss.

A. The Commercial Committee, you mean?

Q. Yes, that is the one.

A. Well, yes, yes.

Q. Do you understand my question?

A. Yes.

Q. Go right ahead.

A. And my answer is yes, too.

Q. Who informed you of those discussions in the Commercial Committee about the non-Aryan policy of IG Farben?

A. You mean of the Commercial Committee?

Q. That is correct.

A. If exceptionally I did not attend the meeting of the Commercial Committee, I was informed by the minutes or by my collaborators. Of course, if it was the minutes, this particular topic was rendered only in excerpts and not in the complete sense I was interested in.

Q. Now, do you have your affidavit Schmitz Exhibit 51, before you, and will you please turn to Page 4 of the German?

A. Yes, I have it here.

Q. Now, you refer in your affidavit to excerpts of the minutes of the meetings of the Commercial Committee of 23 March 1938?

A. Yes.

Q. That is Document No. 9289, Exhibit 1069. Now, that is the meeting of 23 March 1938, is that right? You don't say that in your affidavit, but is that the meeting you are referring to, 23 March 1938, and then you say the following passage occurs, and then you quote from the minutes of the meeting. "Personnel. It is unanimously agreed" — and this is from

the minutes of the Commercial Meeting of 23 March 1938, which you saw in Exhibit 1069, NI 9289. Here is what the minutes say, "It is unanimously agreed that all non-Aryans in the Austrian organizations should immediately be relieved of their office, or that they should be given notice at the earliest possible date, common IG interests being safeguarded in accordance with a policy laid down by Geheimrat Schmitz. Members of the Aufsichtsrat who are non-Aryans should also be made to resign from the office." Now, you say in your affidavit all that was window dressing. What do you mean by window dressing?

A. I think I explained in my affidavit what I meant; namely, that this wording had to be synchronized with the requirements of that period. Our whole attitude was intended to do some window dressing towards the outside, that is, to meet the requirements theoretically in order to take the wind out of the sails of any possible attacks by being able to print out something and saying, "We have done what we could be asked and what we could do." Once and again, we needed such external proof because we were constantly subject to attacks, and here I had said that the very weight of such a misusing even the name of the man, because it was important here and there to use the authority which Geheimrat Schmitz had as a shield and as a weapon, and at any rate, it seemed to us that it would be successful and would be a promise of success, at least.

Q. Now, you say in your affidavit, after explaining your window-dressing version, that this theory of window dressing also offers an intelligible explanation for the reference to Geheimrat Schmitz who, and you say in your affidavit, was not responsible for decisions of such questions at the policy, but whose name was pressed into service for that purpose? I ask you, Mr. Witness, who do you know that his name was inserted in the minutes for window-dressing purposes? How do you know that?

A. Well, you see, because this was quite in line with the policy adopted by myself when I had to draw up the minutes.

Q. I am speaking about these minutes of 23 March 1938. Did you draw those minutes?

A. No, I wanted to go on—I don't know. I want to go on to say that this same policy, of course, was also followed by my next collaborator and deputy, Dr. Frank Farle, because it was the only policy possible at all in order to find your way out in these difficult questions.

Q. Was it your practice and the practice of---

A. Just a minute, I have something I want to add. Above all, it was also the manner in which the president of the Commercial Committee, who after all is the first person to sign responsible orders, minutes, wanted to have these matters handled,

Q. Who is that person?

A. I forgot to say, that was Dr. von Schnitzler,

Q. Do I understand your testimony to be now that you were instructed by Dr. Schnitzler to falsify the minutes of the Commercial Committee meetings? Is that your testimony?

A. No, no, no, not at all, not at all. You don't have to understand it that way at all. I had no commission and order and I don't think that Dr. Frank Farle had an order how the minutes were to be

drawn up. This resulted from the spirit of our work and from the requirements which these minutes were to meet. They were not always only window dressing; very often they were memoranda in order to bring to the knowledge of the collaborators and other agencies certain matters.

Q. Did then Dr. Schnitzler as chairman of the Commercial Committee instruct you to insert Dr. Schmitz's name in those minutes for purposes of window dressing? Were you instructed to do that?

A. I cannot recall that.

Q. Now, then, could you tell me whether or not it is a fact that around this period of time, March, April or May, 1938, Farben did in fact undertake a policy of dismissal of non-Aryan members of the Aufsichtsrat and non-Aryan employees abroad? Did they in fact adopt such a policy at this time, do you know?

A. Yes, that cannot be denied, that is certainly correct. That was the directive and the form in which it was made, and which we complied with also in the way we thought most suitable and had to comply with.

Q. All right. Now, you say Dr. Schmitz wasn't responsible for that policy, is that your testimony?

A. Well, in this very case, it was a matter of resigning members of the foreign representations of the sales combines, and Geheimrat Schmitz wasn't directly in charge of these sales combines, and in these cases the managers of the sales combines had the habit of taking their decisions independently, very largely.

Q. I think you misunderstood my question. The question is, you just testified that as a matter of fact Farben in March, April or May of 1938 did adopt the policy of forcing the non-Aryan members of the Aufsichtsrat to resign and of dismissing non-Aryan employees abroad. Now, my question is, you say that Dr. Schmitz was not responsible for

that policy, is that your testimony?

A. No, that is not my testimony.

Q. Was he responsible for that general policy of IG Farben at this time, do you know?

A. He was co-responsible for the whole policy, the business policy of I.G. Farben during that period.

Q. Was he responsible for inaugurating the policy at this time of forcing the resignation of non-Aryan members of the Aufsichtsrat and of inaugurating the policy of dismissing non-Aryan employees of Farben abroad? Was Schmitz responsible for that policy?

A. He wasn't the one who inaugurated that policy, but this policy, of course, was not only the decision of one member of the Vorstand, but also of all the other members of the Vorstand, and even non-members of the Vorstand, in as far as they were directors and had to deal with such questions, for instance, for this policy were responsible also the managers of foreign representations, also the department chiefs who covered certain countries within the sales combines.

Q. Now, is this a clear statement to make, that the defendant Schmitz, together with the other members of the Vorstand, is responsible for the policy of I G Farben to dismiss non-Aryan employees abroad and to force non-Aryan members of the Aufsichtsrat to resign? Is that a fair statement of the situation?

A. Yes, towards the German authorities, he was responsible to see to it that their regulations were complied with.

Q. Now, you were discussing in your affidavit your own activity in connection with negotiating with the Reich Ministry of Economics about getting permits for payments of pensions and claims of non-Aryans who have been dismissed. What do you mean by claims? Did these people who were dismissed, did they have claims against I G Farben for wages or salaries or compensation?

A. We assumed so, and therefore we also alleged it towards the authorities, that from their work for the firm and from their employment contracts, such claims were justified and it seemed to us that it was very clever, too, and necessary in the interest of our firm that we should demand and that we should defend such claims which in our view were justified from the sales contract. We wanted to avoid that the resigning members had some resentment which was quite contrary to our general attitude before that. We wanted to try and make the resignation as easy as possible to them, and to help them to build up a new existence, and to somehow help them against the hardships resulting for them from the Nazi policy in the individual case.

Q. You are speaking now, as I understand it, of non-Aryan employees abroad, is that right?

A. That, I would say, is correct for those members abroad who resigned, but similar policy could be applied to every member, also the non-Aryans who had been residing in Germany and had been forced to resign in Germany.

Q. Now, your negotiations with the Reich Ministry of Economics for permits related only to payments to non-Aryans abroad, is that right?

A. No, no, no.

Q. Did it also include payments to non-Aryans resigning in Germany?

A. Well, I couldn't give you a tangible case right now, but I think it happened also that foreign currency payments were applied for for a non-Aryan who resigned from his position in the IG in Germany, and who was emigrating now, and this application was approved. It depended, of course, how the business situation was and whether it could be proved that it was in the interest of the firm that this man, upon his resignation from the IG, emigrated and could still get financial support once he was outside of Germany.

Q. Now, then, when a non-Aryan outside of Germany was dismissed by Farben unlawfully and had a claim against Farben for damages, salary or compensation, isn't it a fact that he could sue Farben abroad and attach its assets abroad? Didn't you know that? You know that, did you not?

A. He could sue, yes.

Q. And Farben had assets abroad that he could attach in such a lawsuit, isn't that so?

A. That might be quite possible, that he could try to get his rightly justified means by this system, but I think that would have been a very unfortunate procedure. I think so, I couldn't give you a tangible case, but I think so.

Q. Don't you know that the only reason you interceded to see that these claims were paid was that it was good business policy to pay them through Germany rather than have your assets abroad attached and be subject to extensive lawsuits, isn't that the fact?

A. We considered that the right way to proceed.

Q. Now, with respect to the defendant Schmitz, do you know that at a meeting of the Commercial Committee of February 10, 1938, at which the defendant Schmitz presided, it was then decided at that meeting that in order to gain the confidence of the Reich authorities, it would be necessary to remove the Jewish members of the Aufsichtsrat of IG Farben? Do you know that at that meeting it was decided?

DR. GIERLICH: If Your Honor please, I would like to ask Counsel for Prosecution, in case he puts such an assertion to the witness, to point out the passage in the document to the witness, or at least, if it is a document already incorporated in the record, to point out where this document can be found. Then this question is proper, but not otherwise.

MR. ALCHAM: The question is very simple, he either knows or he doesn't know.

THE COMMISSIONER: You may ask him whether he knows or not/
Proceed.

Q. Do you know or don't you know that at that meeting of 10
February 1936, such a decision was made?

A. I apologize, I haven't quite understood. What meeting are
you referring to? I understood that this was a meeting presided over
by Geheimrat Schmitz, and you said it was a Commercial Committee.
That seems to be a contradiction, because Geheimrat Schmitz never
presided, according to my knowledge, over a meeting of the Commercial
Committee. Do you mean perhaps, a meeting of the Vorstand? That would
be more likely?

Q. Let me reframe the question for you. Do you know that at a meeting of February 10, 1938, at which Geheimrat Schmitz was present, a meeting of the Commercial Committee, it was decided to remove the Jewish Aufsichtsrat members of I.G. Farben in order to gain the confidence of the Reich Government? Do you know that?

A. I have no tangible recollection of that just now, but I think it's possible and even likely.

Q. At the time that was the general decision? Is that your recollection? Such a decision was taken at that time?

A. That was the official line we would be ordered to follow, yes.

Q. Are you familiar with Dr. Schmitz's signature.

A. Yes.

Q. Now I show you this document, which is NI-14036, which we offer as Prosecution's Exhibit 2304. Now please listen to the question. Just look at the margin, where there is a handwritten note in red crayon, or red pencil, and tell me, if you can, whether or not that is Dr. Schmitz's initials? Could you tell me that?

A. I should assume so.

Q. Now then, this is a letter of 30 April 1938 and it's a letter from the German Pharmacists Association addressed to I. G. Farben and here's what they say: "In making inquiries as to what firms in the pharmaceutical industry can count as 100 percent Aryan, I discovered that the Aufsichtsrat of I.G. Farben still has some Jewish members. A discussion with Counsel General Mann produced the happy result that steps were taken by you to change your Aufsichtsrat." And then there is a further statement that the Jewish members of the Aufsichtsrat gave up their office. Now you notice right next to that letter the handwritten remark by Schmitz, saying, quote: "This was the case already without him." Now I ask you does this ----

A. I don't know whether that reads "This was the case 'ohnehin'" -

anyway, or "ohne ihn " without him." I would say it is "without him".

Q. That's right.

A. That's the way I would read it.

Q. Now then, does this document refresh your recollection?

MR. AMCHAN: I will withdraw the question. The document is in evidence and I have no further questions.

There is no question before you now, Mr. Witness.

We have no further questions, if your Honor please.

DR. GIERLICH: Gierlichs for Geheimrat Schmitz.

REDIRECT EXAMINATION

KURT KRUEGER

BY DR. GIERLICH:

Q. Dr. Krueger, was there any person in the Berlin I.G. organization who in general questions pertaining to the I.G. had a closer current working contact with the Geheimrat Schmitz than you?

A. No.

Q. Therefore, is it a fair statement to say that if from the circle of collaborators of the Berlin I. G. organization there was anybody at all who would be in a position to comment on and to judge the basic attitude of Geheimrat Schmits then that person would be you?

A. Yes.

Q. Dr. Krueger, this file note from the record of the Commercial Committee, which is the subject of your affidavit of 31st of December 1947, deals, as you already told us, with the resignation and release of non-Aryans from foreign sales organizations. Now, concerning that matter I have one basic question at first. Was the personnel policy concerning the foreign sales combines or principle a matter settled by the individual sales combine independently or by its manager?

A. Yes.

Q. As a result, does the person who has knowledge of the inner structure of the I. G. Farben gather from that, that to mention the

personality of Geheimrat Schmitz in connection with such a decision was to serve a special purpose and was not the normal result of competencies?

A. Absolutely.

Q. Counsel for Prosecution asked you in connection with the release of non-Aryans and used the word "unlawful." In this connection I would like to ask you whether you yourself, Dr. Krueger, know of one single case from the whole combine of the I. G. Farben where the I.G. Farben put itself in contradiction to the existing laws and carried out the release of non-Aryans, leaving aside the legal deadlines and protection of the employees as far as notice was concerned.

A. I don't recall any such case, and my field of tasks, I would say that it did not happen. I would say with certainty it didn't happen.

Q. Can't you, from the cases you dealt with in the Central Finance Department, comment on the question of whether in cases where the release was discussed it was the general line of policy of the I.G. Farben to get rid of the gentlemen involved as quickly as possible or was it first the policy to try to keep them in employment as long as possible and then if the release became necessary to drag it along as long as possible?

A. The latter was the policy.

Q. Dr. Krueger, Counsel for the Prosecution, in connection with the release, as he expressed it, of the Jews from the Aufsichtsrat of the I.G. Farben, talked of a policy pursued by the I.G. Farben. Would you agree with my statement that one cannot talk of a policy of the I.G. Farben unless it had taken an initiative of its own towards achieving a certain aim?

A. Well, I think that is an interpretation of the word and concept of policy which I would agree with. For my own person, that is what I always thought was meant by policy.

Q. Are you of the opinion that within the management of the I.G. Farben, concerning the question of resignation of non-Aryan members of the Aufsichtsrat, there was such a thing like a policy in that sense of the word? Namely, that the I. G. Farben on its own accord aimed at that goal and took an initiative in that direction?

A. Not at all.

Q. Do you know, Dr. Krueger, whether after the promulgation of the famous regulations of 1938, according to which every firm still having non-Aryan members in its administration was either declared Jewish or at least was considered Jewish for the time being? Do you know whether after the issuance of these regulations any part of the German economy continued to employ non-Aryans in the joint stock companies, at least of any important and well known joint stock companies.

A. I cannot imagine that. Only just now I can remember that during that period all German enterprises had to make efforts to have themselves declared Aryan and to prove that they were.

Q. Is it correct, Dr. Krueger, that the fact that I.G. Farben as late as 1935 hired Dr. Mertens, knowing he was a Jew, and elected him into the Aufsichtsrat of the I.G. as a new member, and also the fact that until 1938 it employed a large number of non-Aryan members of the Aufsichtsrat was even in view of the conditions of that period in Germany, quite extraordinary and quite a subject of discussion?

A. This question I can answer in the affirmative with the restriction that the date of the entrance of Herr Mertens in the Aufsichtsrat is not known to me.

Q. But you know that it was quite a bit after the beginning of the National Socialist regime?

A. It was certainly after the seizure of power, but whether it was one or two or three years afterwards, I couldn't certify now.

Q. Well, we don't have to insist on the matter, because there is sufficient proof submitted to the Tribunal in this connection.

Then my next question to you is: Dr. Krueger, do you know whether

on the occasion of the resignation of the non-Aryan members of the Aufsichtsrat any agencies of the I.G. Farben, be it the Vorstand, be it the colleagues in the Aufsichtsrat or the Verwaltungsrat, any pressure was exerted on those members to make them resign? That, for instance, they were expelled from the Assembly or that some other kind of pressure was exerted on them, or do you know whether these gentlemen resigned quite voluntarily and without being influenced by the administrations of the I.G. Farben on account of the political development which was arising?

A. Well, I can't answer that question in such a general way. I recall only a few very striking cases. For instance, the resignation of the two Weinbergs. And there I have to confirm it's true that they reacted in the way Defense Counsel has just described and their resignation went as Defense Counsel just said.

Q. In order to avoid a misunderstanding, I ask for both alternatives. In what way did these two people resign?

A. Then I haven't understood the question.

Q. My question was: Was there a voluntary resignation of the non-Aryan members of the Aufsichtsrat, or were they not reelected or some other kind of pressure was exerted as legal means, or otherwise, as an alternative was it rather that these gentlemen themselves put in their resignations because of the political development without any pressure by I.G. Farben?

A. I don't think that I can answer this question in such a general way. It can't be answered in such a general way at all. The case is very different, and even if pressure was not exerted by the I.G. Farben, it still existed and the result was that these people would think the matter over and would discuss it and would finally arrive at a decision of how this resignation or release should be carried out.

Q. Dr. Krueger, I am particularly interested in clarifying this matter as such. Do you know whether Geheimrat Schmitz in particular or whether the administration of I.G. Farben in general exerted any kind of pressure on the members of the Aufsichtsrat, the non-Aryan members who resigned in 1938 -- that is, the brothers Weinsberg, Simson, Oppenheim, Mendelsohn-Bartholdz?

A. No, I don't know that.

Q. The last point I would like to deal with is the question of indemnifications in some cases. Did I understand you correctly to say that your conversations with Geheimrat Schmitz in connection with the payments of indemnities for resigning non-Aryans and the policy to be pursued by the I.G. in this connection was not based on the fact that Geheimrat Schmitz in most cases was not directly competent and responsible for the matters, but based on the fact rather that on account of the importance of the question and on account of the danger arising from handling it in contradiction with the general lines existing in the Third Reich you made it a point to get the backing of Dr. Schmitz in a certain exchange of ideas?

A. Yes, that is correct.

Q. Do you know that Geheimrat Schmitz in some cases intervened

personally on behalf of non-Aryan members of the I.G. in order to facilitate their emigration abroad and providing a basis for a new existence abroad?

A. Yes, that is known to me.

Q. Can you give me an example?

A. I can give you several examples. Above all, Herr Oppenheim, Dr. Kurt Oppenheim, Geheimrat Lederer, Dr. Jacobi, and particularly Professor Julius Flechthelm.

Q. Do you know that just in this latter case Geheimrat Schmitz made an effort to take measures in order to get Professor Flechthelm financially secured -- measures which, if they had become known, would doubtlessly have brought him some very disagreeable consequences?

A. Yes, that is known to me.

Q. Last question now. Dr. Krueger, Counsel for the Prosecution asked you whether it wasn't correct that the I.G. Farben, in connection with the releases of non-Aryan employees, made the payments only out of sheer egotism, that is, in order to prevent the persons involved to attach themselves to I.G. holdings abroad? I want to ask you, is it your opinion that this conception as expressed in the question by Mr. Amchan is correct?

A. That it was only along this reason, you mean?

Q. Yes.

A. No.

Q. Do you know that to a very great extent considerations of humanity and sentiments towards members who had been in the firm for a long time probably played a very considerable part?

A. Absolutely. If not the decisive part.

Q. Do you know, Dr. Krueger, that the I.G. Farben in many cases when they applied for a release for foreign employees exceeded in the applications for foreign currency by far what could be reached within the law and had a very hard struggle with the Reichs Ministry of Economics in order to get them through?

A. Yes.

MR. AMCHAN: Leading in suggesting answers to the witness.

THE COMMISSIONER: All right. The objection will go in the record.

DR. GIERLICH: Judge Crawford, I have no further questions in redirect.

DR. NATH: Dr. Nath for Dr. Ilgnor.

REDIRECT EXAMINATION

KURT KRUEGER

BY DR. NATH:

Q. Dr. Krueger, you spoke of the Vorstand's having been responsible for the carrying out of State regulations concerning the Jewish legislation. My question to you is: Was there for the Vorstand an obligation to the State in this connection, namely, to enforce the Jewish legislation?

A. Yes.

Q. What would have happened if the Vorstand had refused to comply with these State laws and regulations concerning the Jews?

MR. AMCHAN: The question is being objected to as being speculative. What would have happened if something else had happened? The objection is that it is suggestive and speculative.

DR. NATH: I am of a different opinion, your Honor.

THE COMMISSIONER: The ruling is laid down by the Court. The record will note the objection. He can go ahead and answer.

DR. NATH: Well, then, I may say for the record that I am of a different opinion.

THE COMMISSIONER: They tell me we will have to take a recess in order to change something in here. It will take about three minutes, so we will have a few minutes' recess while the track is changed.

DR. NATH: Your Honor, perhaps the witness could answer the question. I have no further questions.

THE COMMISSIONER: All right. Go ahead.

Q. Well, Dr. Krueger, would you please tell us what would have happened if the Vorstand had refused to comply with the State's regulations?

COURT VI CASE VI
9 Apr 48-20-4-A-AEH-Hasdorff (Treidoll)
COMMISSION

A. At least he would have had to resign or he would have been thrown out.

DR. NATH: Thank you. No further questions.

THE COMMISSIONER: Do you have any further questions?

MR. AMCHAN: I think we had better take a recess.

THE COMMISSIONER: O.K., we will have a few minutes' recess.

(A recess was taken.)

THE MARSHAL: The Commission is again in session.

RECROSS EXAMINATION

BY MR. AMCHAN:

Q Mr. Witness, Dr. Gierlichs asked you about a law whereby a joint stock company in Germany was deemed to be a Jewish firm if any member of the Aufsichtsrat was Jewish. Do you recall that question?

A Yes, I do.

Q Are you familiar with that law?

A Well, I remember it.

Q Do you recall when that law was in effect?

A No, I am afraid I don't.

Q Do you know that I.G. Farben by governmental regulation was exempted from the application of that law, do you know that?

A No.

Q Now, you testified about some very helpful assistance that the Defendant Schmitz gave to various non-Aryan Aufsichtsrat members who were forced to resign or were dismissed. Do you know Dr. Gerhard Ollendorf, is that name familiar to you?

A Ollendorf was a member of the Vorstand.

Q Of the Vorstand, that is right.

A Yes, that is right.

Q Do you know that he, too, in 1938 emigrated from Germany because he was Jewish, do you know that?

A Yes.

Q Do you know the circumstances under which he was arrested and sent to a concentration camp before his emigration?

A No.

Q You do not?

DR. GIERLICH: Objection. These questions were not touched upon either in the cross examination nor in the redirect. In addition, this kind of questioning is misleading because the Ollendorf case has no connection whatsoever with Geheimrat Schmitz, and this

type of questioning must give witness the impression that Geheimrat Schmitz was somehow concerned in these events.

MR. AMCHAN: In our view, the objection of counsel is not well-taken. My recollection is pretty distinct that when the Defense interrogated the witness, they asked him about a series of specific cases, and the witness undertook to specify and identify Aufsichtsrat members with Jewish ancestry who were forced to emigrate from Germany; and, too, the witness testified that the Defendant Schmitz went out of his way to help. We think it entirely proper to negative whatever impression the witness is giving by calling to his attention, or at least asking him whether he knows of other specific cases which may perhaps give a contrary view of the situation. On that ground, I think it is entirely relevant to put such questions to him.

THE COMMISSIONER: Well, the objection and everything is in the record, and the Tribunal will pass on it when it comes up.

THE WITNESS: I would like to add that I do not remember myself having handled the Ollendorf case, so that at the moment, I don't remember any details of it.

BY MR. AMCHAN:

Q I am sorry, I didn't quite understand. Did you say that you did not or that you did handle the Ollendorf case?

A I did not handle it. I don't remember having handled the Ollendorf case, and so I don't remember the details.

Q Do you know who dealt with the Ollendorf case?

A I imagine that it must have been the Agfa department, and that is Herr Otto and Herr Gajewski.

Q Did you also know Herr Gajewski conferred with the Defendant Schmitz about the Ollendorf case, did you know that?

A I don't remember, but I would assume it.

Q Why would you assume it? Was that the regular practice for members of the Vorstand or Sparte chiefs to confer with Schmitz in such a kind of case, was that the regular practice?

A I think that such important questions were decided by voting among the Vorstand members.

Q Was it the practice to your knowledge to have such important cases brought to the personal attention of the Defendant Schmitz?

A I know too little about the way things were handled in the Vorstand. I only know it from my own work, and so I cannot judge to what extent the Vorstand members felt or were obligated to inform themselves.

Q Now, with respect to your own work, did I correctly understand your testimony that generally you discussed the specific cases with the Defendant Schmitz, right?

A Yes, that is what I said, and that is what happened. I discussed the general line, and occasionally special cases as well, for instance, the Roth case.

Q I don't think you have to go into specific cases. Now, just one more question. Were any of these specific cases that you discussed with the Defendant Schmitz as important as the Ollendorf case?

A I can't judge the importance of the Ollendorf case, therefore I have no means of comparison.

Q You know who Ollendorf was, did you now?

A Yes.

Q He was an important member of the Vorstand who had retired at that time in 1938.

A Yes, that is right.

Q Did you discuss with Defendant Schmitz as far as your own work was concerned any case involving a Vorstand, or former Vorstand, member?

A I can't remember having discussed Vorstand members.

Q Any Aufsichtsrat members?

A There, I remember that in the Weinberg case I was

called in for special reasons.

Q When was that?

A That was during the war when Karlo Weinberg was in Italy,
and we were wondering how we could help him.

Q Did you ever discuss the Arthur Weinberg case with Schmitz?

A In this case, too, discussions were held with Schmitz and I myself also talked to him about it when it was a matter of preventing Arthur Weinberg from being deported, and after his deportation in trying to get him a refuge with his relatives in Mecklenburg. This was more intensely handled and discussed by my deputy, Dr. Frank Farle, than by myself.

Q You said Arthur Weinberg was about to be deported. Now do you mean that he was taken away to a concentration camp?

A Yes.

Q And that is what you mean by "deported"?

A Yes. Yes, I meant his being taken away from his residence to Therasienstadt.

Q Which was a concentration camp?

A Yes.

Q Could you fix the time when --

A No, I can't, not at the moment.

Q Approximately what year? 1942? 1941? 1943? In what year?

A I can't say precisely at the moment. At any rate, it was during the war.

Q What was the nature of your discussion with Dr. Schmitz about Arthur Weinberg concerning his deportation to a concentration camp? What was the nature of your discussion with him?

A What agencies could still be approached in order to try to prevent this threatening measure which was already under way, in order to prevent it at all costs.

Q Was there any discussion as to what would happen to him in a concentration camp?

A No.

Q Why were you so concerned about helping him out of a

concentration camp?

A Well, for Heaven's Sake, it was a terrible thing for Geheimrat Arthur Weinberg, a man of eighty, to be taken away from his home forcibly and sent to a concentration camp.

Q What was horrible about a concentration camp that you knew of at that time?

A Well --

DR. GIERLICH: Objection. This question is not connected with the subject of cross examination and redirect.

MR. AMCHAN: The relevancy it seems to us is this: this witness for the first time mentioned the Weinberg case when he was examined by Defense Counsel. He mentioned it in the light of the actions of the defendant Schmitz. Now having mentioned that case, I think it is entirely proper to pursue it to the end.

DR. GIERLICH: The record will show that during my cross examination I did not mention the Weinberg case with a single word in connection with his deportation to a concentration camp.

MR. AMCHAN: The record will speak for itself.

BY MR. AMCHAN:

Q Now my question to you, Mr. Witness: I am speaking about the time when you discussed with Schmitz the terrible consequences in connection with the threatened or actual deportation of Arthur Weinberg to a concentration camp. Now my question is what terrible consequences did you understand would probably follow from his imprisonment in a concentration camp?

A At that time when I had not yet any personal experiences on the subject, the mere robbing a man of his freedom in this way was something that I considered terrible, especially as in this case when it concerned a deserving man of the age of Geheimrat Weinberg.

Q Well, was there anything especially terrible in confining him in a concentration camp? Was there any discussion of the terrible consequences of imprisonment in a concentration camp at that time?

A No, certainly not. That was not necessary because the idea itself was sufficient for us to try immediately to prevent the deportation of Geheimrat Weinberg from his residence and to mobilize on his behalf.

Q What, if anything, did Dr. Schmitz say to you about preventing or helping Arthur Weinberg get out of the concentration camp?

A Of course, I can't reconstruct every detail, but everybody was to use all his personal connections in order to prevent this measure, and we considered especially whom we could ask to help. I know that I thought particularly of a certain Baron Brandenstein. He was to be asked to use his influence and his connections on Weinberg's behalf.

Q Could you fix the time of that?

A No.

Q At the time of this discussion with Schmitz about Arthur Weinberg, what did you understand was taking place in a concentration camp?

DR. GIERLICH: Objection. This question finally even with the most generous interpretation of cross examination really goes beyond all bounds.

THE COMMISSIONER: Why, I believe that has gone far enough. The concentration camp business has been gone over and over and over.

MR. ANCHAN: I might state to Your Honor that it is not generally the concentration camp business. It is a specific instance at a specific period, and naturally it is limited to this defendant on that particular affair. It is not generally concentration camps, and it is only because I am limiting and restricting it to a particular period of time that I think in this case it is very relevant. Certainly it has to be relevant; it was part of a transaction and discussion dealing with Arthur Weinberg and reference to a concentration camp imprisonment and efforts being made to get him out. Certainly we are entitled to know what the discussion was as to the surrounding circumstances of this particular case.

THE COMMISSIONER: Well, if you don't take too much time at it --

MR. AMCHAN: No. I shall exercise, I assure Your Honor, every discretion to keep it within bounds.

THE COMMISSIONER: We don't want to go into that subject and just keep winding around.

MR. AMCHAN: I have no intantion of doing that, Your Honor.

DR. GIERLICH: I would like expressly to clarify that in my opinion the redirect of Mr. Amchan has for a considerable time no longer had any connection whatsoever with my questioning, and this fact causes me to make this objection against the competence of his questioning. To repeat: I have not the slightest objection to the actual facts that have been dealt with and the Defense, too, will take an opportunity to deal with this problem in detail in the interests of its clients.

MR. AMCHAN: The objection it seems to us is on precisely the same ground that Counsel made before, and Counsel and the Prosecution have stated their views in the record, and I don't think there is anything we can add.

BY MR. AMCHAN:

Q Now did you understand my last question, Mr. Witness?

A Perhaps you would repeat it once again. I am afraid I have forgotten it.

Q At the time you discussed with the defendant Schmitz the deportation to a concentration camp of Arthur Weinberg, what did you understand was taking place in the concentration camps?

A Whether in 1933 or 1934 or 1937 or 1940 or 1943 I always understood by imprisonment in a concentration camp so many terrible things that it was sufficient for me to try and save everybody who was in danger of going through this terrible experience to the best of my ability, to help and protect wherever I could, and I have the impression that other people, too, and my colleagues in particular from 1933 onward when they heard something of concentration camps for

the first time had a sufficient sense of opposition in order immediately to go into action if the danger or the mere idea cropped up that anyone might be robbed of his liberty in this way, and the fact that we did this is proved by a number of cases, not only in the case of non-Aryans but also employees who because of some stupid remarks were interrogated by the Gestapo, after which time they did not return. Then, too, of course everything was done to restore their liberty because liberty after all is the most valuable thing one possesses, and one does not want it only for oneself but also for others, and especially for one's friends.

Q Now in 1942 -- that was after the conquest of Poland, after the conquest of France, after the invasion of Russia -- did you know that the nature of the concentration camps and the extent of the concentration camp program was something different than what you knew of it in 1933? Did you know that in 1942?

A No; I can answer that in the negative because what I heard in 1933 was quite bad enough and gave me a fright once and for all where this institution was concerned.

DR. NATH: Mr. Commissioner, I think the witness has not repeatedly given exhaustive answers and that further questioning of the witness on this subject will only unnecessarily burden the record, waste time and in particular it cannot in any way be connected with the redirect of my colleague, Gierlichs. I think it would be just as well if we once and for all finish with these questions.

THE COMMISSIONER: Well, the order I was appointed under cuts my powers considerably about sustaining objections, but it does give me rights in certain instances, and I believe we have gone far enough into this concentration camp business.

MR. AMCHAN: I think Your Honor is quite correct. I think the very last question indicated that there would be no point in questioning the witness further. His last response indicated that he has no further information on the subject, and with that we have no further

questions.

THE COMMISSIONER: Does Defense Counsel have any further questions?

DR. GIERLICH: No, Mr. Commissioner.

THE COMMISSIONER: I believe then we have witnesses to be called Monday at one-thirty, and the Commission will take a recess until Monday at one-thirty.

(The Commission for Case VI adjourned until 1330 hours,
12 April 1948.)

CERTIFICATE OF COMMISSIONER

Under directives of United States Military Tribunal No. 6, testimony of witnesses listed below was required to be taken before the undersigned Commissioner. Pursuant thereto the said Commissioner has conducted hearings at which the following witnesses have fully testified:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
8 April 1948	Walter Warlimont	10875-10907
9 April 1948	Kurt Krueger	11128-11163
12 April 1948	Karl Weber	11165-11175
12 April 1948	Paula Ester	11177-11199
13 April 1948	Ernst Struss	11293-11338
14 April 1948 &	Christian Zahn	11444-11490
15 April 1948	" "	11587-11612
16 April 1948	Bernhard Schoener	11706-11723
19 April 1948	Adalbert Feindal	11827-11841
20 April 1948	Josef Grobel	11842-11860
20 April 1948	Gustav Pistor	11861-11878
21 April 1948	Emil de Haas	12098-12128
21 April 1948	Heinrich Schuh	12129-12140
23 April 1948 &	Heinrich Schindler	12337-12370
28 April 1948	" "	12707-12777
26 April 1948	Walter Kikuth	12461-12498
26 April 1948	Hans Sauer	12500-12512
27 April 1948	Wilhelm Duellberg	12598-12621
29 April 1948	Theo Goldschmidt	12871-12909
29 April 1948 &	Anton Reithinger	12910-12953
30 April 1948	" "	13075-13092
29 April 1948 &	Rudolf von Spretty	12954-12960
30 April 1948	" " "	13065-13075
30 April 1948,	Rudolf Schmidt	13093-13133
5 May 1948 &	" "	13620-13629
6 May 1948	" "	13651-13719
3 May 1948	Wolfgang Alt	13246-13269
3 May 1948	Carl Gadow	13271-13291
3 May 1948 &	Kurt Hartmann	13292-13316
4 May 1948	" "	13412-13450
4 May 1948	Fritz Dion	13450-13460
4 May 1948	Kurt Eisfeld	13461-13479
4 May 1948	Adolf Taub	13480-13489
5 May 1948	Ernst Struss (for Pros.)	13566-13619
6 May 1948 &	Werner Schmitz	13720-13735
7 May 1948	" "	13861-13891
10 May 1948	Max Winkler	14173-14181
10 May 1948	Fritz Hirsch	14195-14209
10 May 1948	Ernst Kraschewski	14210-14220
10 May 1948 &	Franz Fuerstenberg	14221-14245
11 May 1948	" "	14377-14384
11 May 1948	Heinz Savelsberg	14387-14424
11 May 1948	Karl Munscheidt	14425-14439
11 May 1948	Reinhold	14440-14455
10 May 1948	Friedrich Selcher	14182-14194


During the said proceedings the following exhibits have been offered in evidence:

PROSECUTION EXHIBITS

<u>Exhibit</u>	<u>NI No.</u>	<u>Official Transcript</u>
2302	PS 2353 C	10899
2303	L79	10904
2304	14036	11145
2305	14034	11182
2306	15070	11183
2307	14236	11302
2309	14232	11312
2311	15062	11327
2312	15063	11330
2314	14257	11468
2315	13524	11473
2316	14256	11473
2317	14251	11485
2318	14252	11476
2319	14014	11482
2320	14039	11834
2321	13084	11848
2328	10532	12615
2329	10528	12616
2323	10907	12706
2330	13525	12733
2331	15021	12878
2332	3763	12915
2333	15145	12921
2334	15146	12923
2335	8647	12927
2336	15132	12933
2337	1514	12942
2338	14098	13106
2339	13534	13111
2340	15215	13126
2341	15260	13620
2342	15173	13286
2345	7637	13728
2346	7666	13730
2352	15290	14382
2353	15296	14392

I, the undersigned Commissioner, do hereby certify that the aforesaid official transcript pages comprise a full, true and correct report of such proceedings, testimony and evidence heard and recorded therein before me.

Dated at Nurnberg, Germany, May 28, 1948.


 JOHNSON T. CRAWFORD
 Commissioner of Tribunal No. 6

Official Transcript of Hearing before a Commissioner for Military Tribunal VI, Case VI, in the matter of the United States of America against Karl Krauch, et al, defendants, sitting at Nurnberg, Germany, on 12 April, 1948, Commissioner Johnson T. Crawford presiding.

THE MARSHAL: The Commission for Tribunal VI is now in session.

THE COMMISSIONER: Dr. Mueller, do you wish to make a statement as to whether or not the defendants had notice?

DR. MUELLER: Yes. For the record I state that the Defense of Case No. VI has been informed of the cross examination of the witness Weber taking place today in good time.

THE COMMISSIONER: The record will so indicate. All right.

DR. BOETTCHER: Mr. Commissioner, with your approval I would like to call the witness Weber for cross examination by the Prosecution.

THE COMMISSIONER: The Marshall will call the witness.

MR. ALCHAN: Shall we perhaps take a short recess until the microphone is adjusted?

THE COMMISSIONER: We will take a recess to get the sound system fixed.

(A recess was taken.)



THE COMMISSIONER: Are you ready for the witnesses to be sworn?

DR. BOETTCHER: The witness has to be sworn, Mr. Commissioner.

KARL WEBER, a witness, took the stand and testified as follows:

THE COMMISSIONER: You will raise your right hand and repeat after me: I swear by God the Almighty and Omniscient that I will speak the pure truth and will withhold and add nothing. You may be seated.

DR. BOETTCHER: May I begin, Mr. Commissioner?

THE COMMISSIONER: Proceed.

DIRECT EXAMINATION

BY DR. BOETTCHER:

Q. Dr. Weber, please give your full name and present residence for the record.

A. Dr. Karl Weber, Augsburg, Hochfeldstrasse 2.

Q. Dr. Weber, on the 5th of January, 1948, you made an affidavit which I have submitted in evidence on behalf of Dr. Krauch as Krauch Exhibit 165. It is contained in Krauch document book No. 8, Page 35. You have re-read this affidavit today?

A. Yes.

Q. I would like to ask you whether you want to make any additions or changes in this statement?

A. No.

DR. BOETTCHER: Then, Mr. Commissioner, I have no further questions. I put the witness at the disposal of the Prosecution for cross examination.

CROSS EXAMINATION

BY MR. ALCHAM:

Q. Mr. Witness, you were the manager of the Gersthofen Works of I. G. Farben, is that correct?

A. I don't understand.

Q. Were you the manager of the O.G. Farben Gersthofen Works?

A. Yes, I was.

Q. Now, you state in your affidavit the circumstances in connection with the case of Dr. Paul Heisel, whom you characterize as a half-Jew, employed in the Gersthofen Works of I.G. Farben?

A. Could you repeat the question, please? I hear so badly. I can't hear the German properly.

Q. Mr. Witness -- do you hear better now, Mr. Witness?

A. Yes, now I hear very well.

Q. Now, Mr. Witness, in your affidavit you refer to the case of Dr. Paul Heisel, whom you characterize as a half-Jew who was employed in the Gersthofen Works of I.G. Farben?

A. Yes.

Q. And you relate the circumstances in connection with the orders that were outstanding to have Dr. Heisel sent to a compulsory labor camp, and in that connection, if I correctly understood your affidavit you state that Dr. Kruach personally interceded to prevent this employee, Dr. Heisel, from being sent to the compulsory labor camp, is that correct?

A. I would like to comment on this question as a matter of principle. We must differentiate between the year 1940, in this year -- the affidavit I signed on the 5th of January, to this year this affidavit I wrote for Professor Krauch applies. We must differentiate between this year and 1944, when for the second time Dr. Heisel was to be sent to a labor camp. The first case in 1940 was only meant to get Dr. Heisel removed from the plant. In 1940, the two gentlemen of the DAF in Berlin came to see me and they demanded that Dr. Heisel, as half-Jew, should be removed from the plant. At that time, I told these gentlemen that I was not in a position to discharge Dr. Heisel. This was a matter for the Vorstand, since Dr. Heisel was an official of I.G. Farben. I told the gentlemen that I would get in touch with my immediate superior, Professor Lautenschlaeger, and ask

him to leave Dr. Heisel at his post. Professor Lautenschlaeger promised to talk to Professor Krauch on this matter and in 1940, it was possible to get Dr. Heisel, through the mediation of Professor Krauch as I heard from Professor Lautenschlaeger -- after certain difficulties, he succeeded in keeping Dr. Heisel in his place. This was the first case, and this has no connection with the labor camp.

Q. Now, you said Dr. Heisel was an official of I.G. Farben. What office did he hold?

A. He was experimental chemist in the Gersthofen plant.

Q. And did that make him an official of I.G. Farben?

A. Yes, all chemists were officials of the I.G. Farben industry.

Q. All right. Now, you said that the 1940 circumstances surrounding Dr. Paul Heisel should be differentiated from the 1944 circumstances. What were the circumstances about 1944?

A. In 1944, in October, Dr. Heisel received orders from the Todt organization to report within a very short time to a certain agency in Augsburg in order to be sent to a camp or mine, as Herr Heisel told me at that time, from there where he would have to work.

Q. And what happened after Dr. Heisel told you about his orders to report to the compulsory labor camp in 1944? What did you do?

A. I got in touch with the Gau economic chamber in Augsburg and also with the Armament Commission in Augsburg. These two agencies said they would intervene that Dr. Heisel remained in his post, but since the Gestapo office in Augsburg was the office which was requesting Dr. Heisel for the Organization Todt, I got in touch with the Criminal Commissioner and told him that I wished Dr. Heisel to be left at his post.

Q. Mr. Witness, will you please excuse the interruption and try if you can to get more directly to the point of where and how Dr. Krauch is involved in this incident, could you please do that?

A. It was the same as in 1940. Since Dr. Heisel, as an official,

could neither be sent away, discharged or appointed by me, I again had to get in touch with my chief, Professor Lautenschlaeger. I sent Dr. Heisel to Professor Lautenschlaeger with a letter and asked the Professor to get in touch with Professor Krauch to see that Dr. Heisel remained at his post. This succeeded after the gentlemen had convinced themselves that Dr. Heisel was a good and important chemist for the Gersthofen plant.

Q. What, if anything, did Dr. Krauch do to prevent Dr. Heisel from being sent to a compulsory labor camp?

A. Well, I don't know. I only asked that Dr. Heisel be left at his post, and in fact --

Q. Whom did you ask?

A. I didn't ask anybody, I only asked Professor Lautenschlaeger to go to Professor Krauch and ask him to see that Dr. Heisel was left at his post.

Q. Why did you ask Professor Lautenschlaeger to intercede with Dr. Krauch to prevent Heisel from being sent to a compulsory labor camp? Why did you ask that Dr. Krauch be informed?

A. I told Professor Lautenschlaeger that he was to ask Dr. Krauch to see that Dr. Heisel was not sent to a labor camp.

A Yes.

Q What were --

A Yes, Well, after a certain time the Ge Be Chem., through the Agent for Bavaria, sent a teletype or telegram, or they put through a telephone call that Dr. Heisel had been released up to the 31st of May 1945.

Q How many Jews or half-Jews were employed in your plant at Gersthofen?

A I had one Jew and one half-Jew.

Q How many did you have in 1940 of the same category?

A In 1940 I only had Dr. Heisel, who was a half-Jew.

Q Now, did you intercede or did you suggest that Dr. Lautenschlaeger and Dr. Krauch intercede on behalf of Dr. Heisel because he was an official of I. G. Farben?

A No. Professor Lautenschlaeger came frequently to Gersthofen and looked over the work that Dr. Heisel had done and told me that he was very satisfied with him and that we should see to -- that we should try to keep him for efforts of the war, after in 1940 an attempt had already been made to remove Dr. Heisel from the plant.

Q Was Dr. Heisel doing important work for Farben?

A Yes, he was an experimental chemist and was working on a product on caterpillar glue, and had a number of other new chemical products in hand and he was a good chemist from whom one could assume that he would invent further products.

Q Now then, did you suggest to Dr. Lautenschlaeger or Dr. Krauch that they intercede on behalf of Dr. Heisel because he was a half-Jew or because he was a good technical man?

A No, mainly in the I.G., or, that is, in the plant which I managed, we attached main importance to the fact that the person concerned was a good chemist and did his work properly. I personally was not interested in his religious faith.

MR. AMCHAN: No further questions, if your Honor please.

Q Did you know that the channels required the Vorstand members to turn to Dr. Krauch in order to have him intercede with the SS Security Office to secure release or deferments of I.G. employees who were sent to compulsory labor camps? Did you know that?

A No, it was generally the custom or it was generally known that the Berlin agency was the one which had liaison and made contact with the agencies which were concerned with this work in the OT.

Q When you say it was generally known, you mean it was generally known in I.G. Farben?

A I don't know.

Q Well, what do you mean, "it was generally known"? Generally known by whom?

A I knew it through the agent for Bavaria, of the Plenipotentiary General.

Q I am sorry, I didn't hear you.

A I heard it through the Agent for Bavaria.

Q Mr. Witness, did you suggest to Professor Lautenschlaeger that Professor Lautenschlaeger contact Dr. Krauch with respect to Dr. Heisel? Did you suggest that to him or not?

A No, no. Professor Lautenschlaeger knew that of his own accord.

Q What did you suggest to Dr. Lautenschlaeger with respect to Dr. Heisel?

A I only said that an attempt should be made to get Dr. Heisel left with his position and that's what I suggested to Professor Lautenschlaeger.

Q And you suggested that he had to get in touch with Professor Krauch.

Q All right, now, what happened with respect to Dr. Heisel? What are the circumstances under which they deferred him from being sent to a compulsory labor camp? We are talking about 1944.

A I only said that I asked Professor Lautenschlaeger to ask Professor Krauch to see that Dr. Heisel was freed from the labor camp.

MR. BOETTCHER: There seems to be some doubt whether he said "yes" or something else.

THE COMMISSIONER: You may proceed.

MR. ANCHAN: I think the record will indicate what the question was and what the answer.

Q Now, Mr. Witness, my question is: Did you at the time that you suggested to Professor Lautenschlaeger that he contact Dr. Krauch with respect to Dr. Heisel — did you at that time know that Dr. Krauch had special influence with respect to the SS Security Offices sufficiently to be able to intercede on behalf of Dr. Heisel and prevent his being sent to a compulsory labor camp? Did you understand my question?

A Yes.

Q What is your answer?

A Professor Krauch was the — was Plenipotentiary General for the Four Year Plan and he had an office in Berlin which had the name Ge Be Chem. To this office apparently — Of course, I don't know for certain, but apparently Professor Lautenschlaeger turned to this office and this office mediated with the Reich Main Security Office, which had the opportunity of getting a man released who was supposed to be sent to a compulsory labor camp.

Q Now then, if I understood you correctly, you stated that you suggested to Professor Lautenschlaeger that Dr. Krauch be asked to intervene. Now my question is: When you suggested that Dr. Krauch be called in —

A No, that was — Those were the general channels in cases of this kind. My immediate superior was Professor Lautenschlaeger and the Berlin agency to which the Vorstand members generally turned in such matters was Ge Be Chem., that is, the Plenipotentiary.

Q Why did you pick out Dr. Krauch? Did he have any special influence in that field?

A Professor Krauch was the Plenipotentiary General for the Four Year Plan. The Plenipotentiary General in Berlin had an office, and, as far as I remember, this office got in touch with the Reich Main Security Office and from this agency it was possible to get people released.

Q Let me see if I correctly understand you, Mr. Witness. Was it the understanding in I. G. Farben that Dr. Krauch was in a position of influence whereby he could prevent certain people from being sent to compulsory labor camps? Did I correctly understand that to be your testimony?

A Yes.

MR. AMCHAN: For the record, the answer has been made.

DR. BOETTCHER: Dr. Boettcher.

Objection to this question. The witness had a position as manager of a plant in Gersthofen. He cannot say anything about the attitude as a whole of the I. G. in questions of the drafting of half-Jews. It was neither within his competence nor was he informed about it, nor is this problem a subject of the affidavit.

THE COMMISSIONER: Very well. Your reasons are in the record. They will be noted.

MR. AMCHAN: I might just state that there would be no point in pursuing or answering Dr. Boettcher further because the witness heard the question, understood it, and replied to the question — made a full answer — before the objection was argued at any length.

DR. BOETTCHER: I didn't hear any answer from the witness.

MR. AMCHAN: The witness replied "yes" to the question put to him.

DR. BOETTCHER: May I ask the witness whether he actually did answer because my colleagues informed me that he — that they didn't hear any answer either.

DR. BOETTCHER: Dr. Boettcher.

REDIRECT EXAMINATION

WEBER

BY DR. BOETTCHER:

Q.- Witness, the intercession of Professor Lautenschlaeger on behalf of Dr. Heisel -- did this go through the local representative of the Ge Be Chem. in Munich?

A.- Yes.

Q.- Do you happen to know who this local representative in Munich was?

A.- It was a retired Colonel called Weigel.

Q.- Were you in personal touch with Colonel Weigel?

A.- Yes.

Q.- Did you also discuss this case with him?

A.- Yes.

Q.- What was Herr Weigel's attitude?

A.- Colonel Weigel told me, "If you consider this gentlemen worthy, then I'm prepared to back you up," and he did.

Q.- And what did Colonel Weigel actually do?

A.- Colonel Weigel send a teletype to Ge Be Chem in this matter so as to get support from this side too to see that Dr. Heisel was not sent to the OT at any cost.

Q.- Now just one general question. At the end of 1944 it was a general scheme for drafting all half-Jews for labor in certain very hard work, is that correct?

A.- Yes.

Q.- Can you confirm that at that time it was a general custom to make efforts to help these people, to call in persons who had a certain name so that they on their part could intercede with the Reich Main Security Office, since the Reich Main Security Office was competent --

A.- I cannot give any specific information about that --

MR. AMCHAN: I object. The objection is made on the ground he is asking the witness to testify to a custom. He has laid no foundation as to any knowledge in special of the witness sufficient to qualify him to testify as to general custom. The Prosecution has no objection as to asking the witness' personal knowledge based on personal activity.

THE COMMISSIONER: Proceed.

DR. BOETTCHER: I attach no importance to an answer to this question since the witness claims not to know it.

MR. AMCHAN: I have no further questions.

DR. EISENBLAETTER: Eisenblaetter for the defendant Lautenschlaeger.

REDIRECT EXAMINATION

WEBER

BY DR. EISENBLAETTER:

Q.- Witness, it seems to me that it has not yet been clearly brought out what position you held with relationship to those who already saw to it that Dr. Heisel was kept. Who told you that Herr Heisel could remain until the 31st of May 1945?

A.- The local representative, Colonel Weigel.

Q.- That is a legal representative of Ge Be Chem?

A.- Yes, that's right.

Q.- Who made the actual decision?

A.- I don't know. I presume that it came Professor Lautenschlaeger and Professor Krauch because if when he had a teletype sent to Berlin through the Be Be Chem in Munich, then the Ge Be Chem always had to ask these gentlemen whether it was O.K. because as mentioned at the beginning Dr. Heisel was an official and he was subordinate to the Vorstand and not to me.

Q.- Yes, but the Be Be Chem -- you said that it informed you that Dr. Heisel could stay until the 31st of May 1945. Didn't it say that the decision had been taken by some official agency?

Court No. VI, Case VI - COMMISSION

A.- I don't know.

Q.- You don't know. Hmmm. Well, then, I would like to ask you, did Professor Lautenschlaeger ever tell you anything from which you might deduce whether he was concerned in bringing this decision about?

A.- Yes.

MR. AMCHAN: The objection is as to the form. He is not putting the question in proper form. He is asking for a conclusion. "Did he ask you something from which you could deduce" instead of asking him directly what he would like to put to him.

DR. EISENBLAETTER: I beg your pardon. I think I have been misunderstood. I did not ask the witness what conclusions he drew. I asked him what Professor Lautenschlaeger told him.

A.- I remember that it was the middle of February when I talked to Professor Lautenschlaeger on an official matter. On this occasion I told Professor Lautenschlaeger that Dr. Heisel had been released until the 31st of May 1945 and Professor Lautenschlaeger replied, "Well, we've managed it once again, " or something of this kind. I can't give you the literal words, but he was pleased that we had been successful in getting Dr. Heisel freed once again from work with the OT.

Q.- Do I understand you correctly, Professor Lautenschlaeger told you, to all intents and purposes, "we managed it"?

A.- Yes.

DR. EISENBLAETTER: Thank you very much. I have no further questions.

THE COMMISSIONER: If there is nothing further, the witness will be excused.

(The witness was excused)

THE COMMISSIONER: Will it take some time for the next witness, Mr. Amchan?

12 Apr-A-FL-18-4-Hasdorff (Int. Lund)

Court No. VI, Case VI - COMMISSION

MR. ALDMAN: Yes, sir,

THE COMMISSIONER: I guess we had better have a recess,

We will recess for about 15 or 20 minutes.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. GIERLICH (Counsel for defendant Geheimrat Schmitz):
Mr. Commissioner, the defense has the intention to call for cross examination this afternoon on behalf of the affidavits given for Geheimrat Schmitz, Fraeulein Paula Ester, who is ready to be examined.

Paula Ester, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Q Raise your right hand and repeat after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will omit and add nothing.

(The witness repeated the oath).

THE COMMISSIONER: You may be seated.

DIRECT EXAMINATION

BY DR. GIERLICH (Counsel for defendant Schmitz):

Q May I for the record clarify the following? Fraeulein Ester, you gave for the defense of Geheimrat Schmitz first four affidavits, all of which are contained in document books, Schmitz Volume IV. The numbers are Schmitz No. 55, 59, 60 and 61.

Moreover, on 30 March 1948 you gave another two affidavits which are contained in a more recent volume for Schmitz, but which are not officially in the hands of the court; they have not been offered yet as evidence.

I have made arrangements with the prosecution whereby your cross examination will include the two new affidavits with the proviso that in the event of the court not admitting one of the affidavits into evidence, that part of the record will be stricken later on.

Fraeulein Ester, let me ask you now: do you still remember the contents of all six affidavits of yours?

A Yes.

Q Do you have the right to make an additional statement or a correction on any of these affidavits?

A No.

DR. GIERLICH: In that case I have no further questions to ask and the witness is at the disposal of the prosecution.

THE COMMISSIONER: The prosecution may proceed.

CROSS EXAMINATION

BY MR. AMCHAN:

Q Miss Estor, since when were you the private secretary of Geheimrat Schmitz?

A I was his private secretary since 1928.

Q And did I correctly understand that from 1928 until the collapse in 1945 you continued to act as Dr. Schmitz's secretary, private secretary? Is that correct?

A Yes, quite.

Q As Dr. Schmitz's private secretary, did all incoming mail come across your desk before it got to Dr. Schmitz?

A Yes, as a rule mail went through my hands. It did happen, however, that one or the other document did not reach me direct, perhaps because it was sent to his private apartment in which case Geheimrat Schmitz gave it to me later on or perhaps because one of the gentlemen who called on him showed him the document in question and in that case I would see it later on also.

Q Would you also, or did you also, keep a record of the people who came to see Dr. Schmitz?

A Yes, I had a card index and made a note of every single case and how long he would stay with Dr. Schmitz.

Q Did you also keep a record of the substance of the conversation that the particular caller had with Dr. Schmitz?

A Very rarely. Dr. Geheimrat Schmitz told me very little; very rarely would I make a note on the substance of their conversation.

Q Would your records indicate the purpose for which a particular person came to see Dr. Schmitz?

A Oh, yes, certainly.

Q Now, then, in May of 1945, after the collapse of Germany, what did you do with those records of the defendant Schmitz?

A I destroyed notes -- not the notes but files as such.

Q Do I correctly understand you then to say that in May of 1945 at the time of the German collapse you destroyed the files and notes of the defendant Schmitz? Do I correctly understand that to be your testimony?

A Yes, I said that from the beginning when I was interrogated first. I said that immediately.

Q Well, for the record, just now, so that I may be entirely clear and that the Tribunal will understand the situation, it is a fact, is it not, that you destroyed the defendant Schmitz's records and files in May of 1945? That is the fact, is it not?

A Not in May. It was earlier. It was in March, by the end of March, I did it.

Q Destroyed all of defendant Schmitz's files?

A Not all of them, no; that is not true. No, it is not true -- all of them; but a very big part of them.

Q What was the nature of the records that you destroyed?

A They were mainly information material. They were reports on revising activities and records. They were auditing records and they were files of Geheimrat Schmitz. I attempted to accommodate these files in another office first, but they wouldn't let me do it. I was told at the time the house would be confiscated but I had destroyed them before then, most of them at least, and then I destroyed the balance of them later on.

Q Did you follow any system with respect to the destruction of those files?

A Unfortunately, no.

Q Well, did you destroy all files marked "secret"?

A Yes.

Q Now, as secretary to the defendant Schmitz, did he have occasion to ask you to look after the details of transmitting funds to the SS?

A On three or four occasions, by orders of Geheimrat Schmitz, I sent a sum of 100,000 marks each time in the various years, three or four years altogether.

Q Could you remember or do you remember the period of time, what particular years, you sent 100,000 dollars -- or 100,000 marks, rather -- to the SS? Could you remember the years involved?

A As I remember it, it was in 1941 that I did it for the first time -- 1941, 1942, 1943; whether or not I did it in 1944 I don't remember.

Q Could you tell me what instructions or what conversation Dr. Schmitz had with you at the time when he instructed you to forward the 100,000 marks as an annual contribution to the SS? Do you understand my question?

A Yes, indeed; but, as I remember it, I don't think he said anything except to tell me to transmit the 100,000 marks and he signed the money order himself.

Q Now, then, in the correspondence that came across your desk as his private secretary, do you recall whether he was a member of the Industrial Committee of the Adolph Hitler Fund?

A Industrial Committee? I cannot recall that at all. Industrial Committee?

Q Do you recall whether the defendant Schmitz...

A I think it was called the Adolph Hitler Fund.

DR. GIERLICH: May I, lest there be a misunderstanding, point out here that in the German text it is called Adolph

12 April 1948-A-MSD-20-5-Primeau (Kurtz)
Court VI, COMMISSION

Hitler Fund of the Germany Economy and it is called the
Industrial Committee of the German Economy.

A I would say "yes" to that.

THE WITNESS: I would say "yes" to that.

BY MR. AMCHAN:

Q. You would say that he was a member of that fund?

A. He and Herr Krupp together. Whether he was actually a member or whether Herr Krupp merely asked him. I don't know.

Q. Do you know whether he attended any meetings of the Industrial Committee of the Adolf Hitler Fund?

A. As far as I remember, the Geheimrat attended one meeting, yes.

Q. Could you fix the time of that?

A. No, I couldn't say that, I am afraid.

Q. Now I will show you Document NI-14034 which we offer in evidence as Prosecution Exhibit 2305. That is a letter addressed to Geheimrat Schnitz on 18 March 1937 from the Industrial Committee of the Adolf Hitler Fund of the German economy, and I ask you to please look at that letter, and on page 2 there is a note that Geheimrat Schnitz attended the meeting. Now does that refresh your recollection that he did attend those meetings?

A. Yes. Yes, he attended, as I said before.

Q. In addition to the memorandum, Exhibit 2305 which I just showed you, is your recollection further refreshed that he attended other meetings?

A. No, I cannot recall anything.

Q. Now, then were you instructed to make periodic contributions to the Adolf Hitler Fund by the defendant Schnitz?

A. No, that was not part of my duty. That was not up to the secretary. That was up to the Central Committee. That was dealt with centrally from Frankfurt.

Q. Now in your affidavit, Schnitz Exhibit No. 61, you state that Schnitz was appointed in 1938 Military --

A. Yes.

Q. -- Economy Leader, and then you state that you do not know that a Military Economy Council existed in Germany or that Geheimrat Schnitz was

one of its members, is that right?

A. No, not in that form. I stated that Dr. Schnitz was the chairman of the War Economy Council. I saw that from a note which I found in my files. I made this record after the files, into which I was allowed to look in Frankfurt -- I found a note there with the typewriter. I think I probably copied that or had it copied from a newspaper at the time, and it said there that Dr. Schnitz was the chairman of the Military Economy Council, and I want to express that I was not sure about that. I know that he was a War Economy Leader, yes, but I did not know that he was the chairman.

Q. Well, do you know now whether or not he was a member of the Military Economy Council?

A. He was a Military Economic Leader.

Q. Do you know whether he was chairman of the Military Economy Council?

A. No, no, no.

Q. Now I show you Document NI-15070 which we offer in evidence as Prosecution Exhibit 2306. That is a publication of a periodical known as "The Archive" published in 1938 by the Deputy Chief of Press of the Reich Government, and the excerpt of the publication, which is now being offered in evidence, refers to the setting up of a Military Economic Council --

A. Yes.

Q. -- by General Goering, and it also --

A. Yes. Generaloberst Goering had appointed Schnitz to be a War Economy Leader.

Q. Who appointed Schnitz as a War Economy Leader?

A. Goering did.

Q. Now does this document, Exhibit 2306, refresh --

A. Yes.

Q. -- your recollection that Schnitz was appointed a member of the Military Economic Council by Goering? Does this document refresh your recollection?

A. Oh, yes. The document shows that quite clearly, but I cannot say whether it was in the document which Goering sent to Schnitz, but that must be in the files surely.

Q. Do you know whether the defendant Schnitz made personal contributions to Nazi Party officials?

A. Well, he always made contributions to the Winter Relief Campaign on his birthday, for instance.

Q. Do you recall whether he made contributions to Gauleiter Sprenger?

A. Yes, yes, yes, from his royalties, which he had not accepted from the Metall Society, and that he transmitted to Gauleiter Sprenger.

Q. Let me see if I understand you. Fees that Geheimrat Schnitz earned with respect to his directorships of certain corporations, do I understand you to say that the defendant Schnitz donated those fees --

A. He did not accept them. He did not accept them.

Q. But he turned them over to Gauleiter Sprenger, is that it?

A. Yes, yes.

Q. When did he start that practice?

A. He did it only in two cases, once from the North German Refinery Work -- I don't know whether that went to Kaufmann in Hamburg -- and then the other in the Metall Society which went to Sprenger.

Q. How much money was involved, do you recall?

A. I should say, as I remember it, about ten thousand marks in Frankfurt and perhaps seven thousand marks in Hamburg, but that again should be seen from the files. I made a note of it.

Q. Now I would like to be sure that I correctly understand you. Is your testimony to this effect that Geheimrat Schnitz assigned or transferred over to Gauleiter Sprenger, Gauleiter Kaufmann and others you don't recall of the Nazi officials --

A. No, not others. Not others. I know only of those two.

Q. You only know of those two?

A. Yes, only those two.

Q. He transferred to those Nazi Party officials the fees that he was entitled to as an Aufsichtsrat member of certain corporations, is that right?

A. Yes, for the needy population in Frankfurt and Hamburg, and that must have been put down in the letters.

Q. When did you last see those letters, do you recall?

A. Well, that was at the period of time when they were written.

Q. Could you fix the time when they were written?

A. I don't know whether it was in the '40s -- or was it earlier or was it later? I cannot remember.

Q. Where did you reside during the period, say, 1936 to 1945? Where was your home?

A. From 1936 until 1943 I lived in Berlin, Steglitz, Flamingstrasse 3, and from 1943 at Schlossenweg 5 in Heidelberg.

Q. In Heidelberg from 1943?

A. Yes, from the middle of 1943 onwards.

Q. Now from 1936 onwards was it customary for you to keep on your card record a list of every time Dr. Krauch called on the defendant Schnitz?

A. Yes. Yes, we always made a note of that.

Q. In other words, you kept a daily record of every time Dr. Krauch visited Dr. Schnitz from 1936 on?

A. Yes, yes, yes, that was written down in the card index.

Q. Where are those records now?

A. I handed over that card index to the people in 1945 in May, a whole box full of cards.

Q. Whom did you hand it over to?

A. They didn't give me their names. I don't know. They were two officers.

Q. Were they British officials? British?

A. No, they were US officers. Just a moment, I think they were described as Allied officers. One British officer was present, too, but this suitcase I had in June of 1945 I saw in the Reichsbank building in Frankfurt.

Q Now, from 1936 on, how often would you say Dr. Krauch visited Dr. Schmitz?

A Very frequently, Professor Krauch came up fairly, I should say twice a week, very probably.

Q And did that continue to 1938 and 1939 also?

A Whenever Professor Krauch was in Berlin and Dr. Schmitz was there, they would meet, I should say, twice a week.

Q Would this be a fair statement then, Miss Ester, that from the period of 1936 through 1940, Dr. Krauch saw Dr. Schmitz on the average of twice a week? Would that be a fair statement?

A Yes, unless Dr. Schmitz was away on a trip -- in the first years, he went on frequent trips -- but otherwise, it is quite true. That is how I remember it.

Q From 1940 to 1945, how often would you say Dr. Krauch visited Dr. Schmitz, or the other way, Dr. Schmitz visited Dr. Krauch? How often, from the period 1940 to 1945?

A Well, it was only until 1943 that Schmitz was in Berlin, and then he went to Heidelberg, and there they saw each other less frequently. There they only met when Professor Krauch happened to be in Heidelberg.

Q Would this then be a fair statement, that from 1936 to 1943, Krauch saw Schmitz on the average of twice a week? Would that be a fair statement?

A Yes, I would say that. Yes, oh, yes.

Q And from 1943 to 1945?

A Less frequently, because Goharath Schmitz lived at Heidelberg then.

MR. AMSPAN: Thank you. No further questions.

REDIRECT EXAMINATION

BY DR. GURLICH:

Q Miss Ester, the Defense shares the interest of the Prosecution in where the card index of the visitors has to go. You will probably remember that I asked you very intensively about that?

A Yes.

Q Now, there is one thing which I am not quite clear about. If I have understood your testimony correctly just now, you saw that card index for the last time in the Reichsbank building in Frankfurt, but not in the document center at Griesheim?

A No, I saw it in the Reichsbank building, but certainly not in the document center in Griesheim.

Q Did you see it earlier in the document center in Griesheim?

A When I went to the document center for the first time, it wasn't there. There was a book on the trips Geheimrat Schmitz made, but that wasn't there either.

Q And you handed over that book to the Allied authorities?

A Yes.

Q To come back to the first point once again, after you handed over the card index of the visitors to the Allied officers, you only saw it once again in the Reichsbank building in Frankfurt?

A Yes, only on that one occasion when I saw the suitcases, but never again after that.

Q And in that suitcase, apart from the card index of visitors there was the book which contained the trips of Geheimrat Schmitz?

A No, the book was a separate document.

Q And did you see that book in the Reichsbank building?

A No, I didn't.

Q My next question is concerned with your testimony regarding the destruction of the files in the secretary's office of Geheimrat Schmitz. When in 1943 you moved to Heidelberg, did you at that time take all of the files of the secretary's office to Heidelberg?

A No, no I took nothing along to Heidelberg.

Q In other words, you started a new card index and a new filing system in Heidelberg?

A Yes, that is quite true.

Q Did Geheimrat Schmitz give you any special instructions for the destruction of the files?

A No, he did not give me any instructions.

Q Nor did he give you the directives as such to destroy the files?

A No, Geheimrat Schmitz did not do so.

Q Do you know whether in any other offices of Farben files were destroyed?

A I don't know that.

Q The destruction of the files was done by yourself on your own without any instructions from Geheimrat Schmitz or any other I.G. agency?

A Yes.

Q The Prosecution asked you about the contribution of 100,000 Marks on three or four occasions which the Prosecution described as SS contributions? Miss Ester, when Geheimrat Schmitz gave you the instructions for the first time to send 100,000 Marks to a Cologne bank account, did he at this time tell you to say that that was a contribution to the SS?

A No that I can remember. I don't know whether he described it as an SS contribution. I was merely given the instruction to transmit it to the bank of Stein in Cologne.

Q Did you know that there was a connection between these contributions and the SS? I mean, did you know about that only after the collapse of Germany, through your interrogations or any other way?

A No, I can remember that there was a letter of thanks from Himmler which came in, as I remember it, it was a letter of thanks for a Christmas contribution, and that sum of money was mentioned.

Q I see. The contribution was mentioned, was it?

A Yes, that was the only letter of that kind.

Q As you remember it, did that letter come from Baron Schroeder, possibly by Himmler's orders, or did it come from Himmler himself?

A. As I remember it, it came from Hilsner.

Q. Thank you very much. Then you spoke about the Adolf Hitler funds of German economy. The last answer you gave in that complex was not quite clear to me, and I would like to ask you once again, apart from the one meeting where Geheimrat Schmitz took part, as you testified before, you were shown Prosecution Exhibit 2305, you don't remember any other activity of Geheimrat Schmitz in that field, even after you have seen that document?

A. No.

Q. As for Exhibit of the Prosecution 2306, the publication for the archives, I would like to ask you a few questions. Is your affidavit in front of you where you spoke about the problem of the War Economy Council?

A. Just a moment please, Yes yes, the supplementary affidavit is in front of me.

Q. Now, let me ask you this. According to your testimony, there cannot be any doubt that Geheimrat Schmitz was a military economic leader?

A. Quite.

Q. Did you in Schmitz' file see any evidence to the effect, for instance, a document of appointment or any other such document which would tend to show that Geheimrat Schmitz was a member of the Military Economic Council?

A. No, I saw no document to that effect.

Q. Then even after you saw Prosecution Exhibit, namely, the archive, you maintain what you said in your affidavit, that in the documents which were in your hands there was no evidence to the effect that Geheimrat Schmitz was a member of the Military Economic Council?

A. Yes, I do indeed.

Q. Thank you very much. Then I would briefly like to speak about the contributions of, let's say 10 and 7,000 Marks, not that the figures are particularly interesting, which Geheimrat Schmitz made by not claiming the royalties to which he was entitled and left it to the corporations to transfer these fees to certain funds. Now, let me clarify one

thing first. If Geheimrat Schmitz did refuse to accept these royalties, as you testified, then surely it was up to the corporations what they did with the money, and Geheimrat Schmitz could merely make a suggestion?

A Yes.

Q My next question is concerned with the problem whether or not these contributions were handed over to Gauleiter Sprenger and Kaufmann to do as they please or were they given a certain purpose?

A As I remember, they were given a purpose.

Q In what way do you mean?

A For the needy population of these cities.

Q Do I understand you to the effect that these two contributions were in the same spirit of social welfare work for which Geheimrat Schmitz was famous only with the one difference that in this case the money was meant to be distributed by a Party agency, but the actual purpose was to serve in the same way as the other contributions?

A Yes, that is how I remember it.

Q Now, the last problem dealt with by the Prosecution, namely, the contact between Professor Krauch and Geheimrat Schmitz if you add up all the reasons why Geheimrat Schmitz might be absent from Berlin, namely, his international activity in the International Nitrogen Cartel, his functions with the Farben in Basel and the U.S. I.G., and also any absence for personal reasons, a holiday, for instance, what would you say that -- how much time did Geheimrat Schmitz spend in Berlin up to the outbreak of war and how much was he absent from Berlin?

A I can remember that once we made a list how long Geheimrat Schmitz had remained in Berlin and how long he had been absent on a trip. The result we arrived at was that he remained about 180 days in Berlin and 180 days he was absent from Berlin. That is to say, six months he was absent and six months he would be present.

Q Do you know from your own knowledge whether Professor Krauch was absent from Berlin after 1936?

A I could not speak with any certainty about that. I couldn't give you any dates.

Q Of course, you couldn't, but perhaps you know whether you could get hold of him, when you were supposed to ring up, or whether you had heard that he would be absent?

A Oh yes, that certainly happened that he was frequently absent from Berlin.

Q In other words, it is my understanding of your testimony that the two gentlemen met twice a week and must be limited to the fact that apart from the six months when Geheimrat Schmitz was absent and with the exception when Professor Krauch was absent and Schmitz was present?

A Yes, of course, that is all I can say.

Q After Geheimrat Schmitz left Berlin, how often would you say that the two met? I don't want you to give me an exact figure, of course.

A That would be quite impossible for me. Perhaps once a month.

Q When the two met twice a week -- I mean, you know, when what you mentioned before -- was that always for business reasons or perhaps did they meet simply to have lunch together or something?

A As a rule they usually did eat together and Professor Krauch, after the death of Geheimrat Bosch, had become chairman of the Aufsichtsrat and in that capacity he frequently needed Geheimrat Schmitz's assistance, whenever they were meeting with the Aufsichtsrat, and they would have a conference beforehand about the topics of the agenda.

Q Where would Professor Krauch go and have lunch as a rule?

A In our mess, Unter den Linden.

Q So that this bi-weekly meeting, if I understand you correctly, generally consisted in the fact of Krauch fetching Schmitz to have lunch together and after lunch they separated?

A Yes, that is what I meant.

DR. GIERLICH: Thank you very much. No further questions.

REDIRECT EXAMINATION

ESTER

BY MR. ANCHAN:

Q Miss Ester, when did you last see Schmitz before his arrest in May 1945? Did you see him during the month of May 1945?

A No, no. I didn't see him. I saw him for the last time when he left, which must have been the 27th or 28th of March.

Q And after the 27th or 28th of March you did not see him?

A No, no.

Q Now, was that before you destroyed those records in March or after? Did you destroy the records after you last saw him?

A Yes, yes, yes. After I saw him. After I saw him for the last time and I saw he had departed ---

Q You destroyed his records?

A Yes.

Q Now, let me make sure that I correctly understand you. You say, you destroyed the records in the end of March 1945, is that right?

A Yes.

Q And on the 27th or 28th of March was the last time you recall having seen the defendant Schmitz before his arrest?

A Yes, quite.

Q And it was immediately after you last saw him on the 27th or 28th of March that you destroyed these records?

A Not all of it. The files which contained information material I destroyed at that time. They were auditing reports and records.

Q When you describe the nature of the records you destroyed, I am only trying to fix the period of time when you did it. And is it correct that ---

A It was in the days after Geheimrat Schmitz had left.

Q Now you referred to the fact that you had made some computation either with Defense Counsel or with Geheimrat Schmitz -- I didn't quite understand -- wherein you ascertained that he was present in Berlin for six months and absent from Berlin for six months. Could you please clarify that for me? What was the nature of the computation and what period of time did it cover?

A No, I made this computation a very long time ago for reasons of taxes. The Geheimrat wanted to find out because, as it were, he lived at

three different places, at Heidelberg, at Ludwigshafen, and at Berlin, and his taxes were distributed. He said at that time, "Please find out how much time I am spending in Berlin and what time I am spending elsewhere," and that computation dates back to 1936-1937. I didn't do that now or later on, after consulting Geheimrat Schmitz.

Q Well, now I want to be sure I understand you. In 1936 Geheimrat Schmitz asked you to indicate how much time he spent in Heidelberg, Ludwigshafen and Berlin -- is that right? -- for tax purposes?

A Yes, quite.

Q And that's the computation that you referred to when you answered Dr. Gierlichs' question?

A Yes, exactly.

Q Now, do you know for what purpose he needed that information, for the tax laws?

A No, only in order to be able to say that he lived in three different places. "I'm not tied on to one place alone."

Q Well, did that information pertain to his presence at his residence or at his offices?

A To his residence.

Q So all your computation referred to was where he lived? His living quarters during this period of time? Is that right?

A Yes, quite.

Q Now, could you tell me for the year 1936 what period of time was Dr. Schmitz outside of Germany, approximately? One month, two months?

A Three months, perhaps, but that is contained in the book.

Q Could you tell me the longest period of time that Dr. Schmitz was away from Germany during the period 1936 to 1943? What year was he away the longest and for how long a time?

A I am afraid I couldn't possibly say that now.

Q Did he ever take a trip for more than two months away from Germany during that period of time?

A I'm afraid I couldn't tell you at the moment.

MR. AMCHAN: No further questions, your Honor.

I'm sorry, I have another one or two.

BY MR. AMCHAN:

Q Now, I understood you to testify in response to Dr. Gierlichs' questions relating to the contributions of a hundred thousand Reichmark annually to the SS, and you stated to Dr. Gierlichs that you did not know at the time that you gave instructions to transfer the monies to the Stein bankers at Cologne that the contributions were intended for the SS, did I correctly understand you to so testify?

A Just a moment. I knew that it was sent to Schroeder at the Stein Bank; and if I remember rightly, it said "S" account, but I did not know what "S" account stood for.

Q Now, when is the first time that you saw the acknowledgment from Himmler expressing his thanks and appreciation for the donation of a hundred thousand Reichmark? When did you first see that?

A If I remember rightly that was in response to the first contribution given in 1941, as I remember it, at least.

Q And thereafter you continued to make additional contributions to the same "S" account, is that right?

A Yes.

MR. AMCHAN: No further questions.

REDIRECT EXAMINATION

BY DR. GIERLICH:

Q Miss Ester, do you know when Geheimrat Schmitz was arrested by Allied authorities?

A I don't know the exact day. I think I heard later that it occurred on the 7th or 8th of April, but it might have been a few days later also.

Q Why did Geheimrat Schmitz leave Heidelberg at the time?

A Schmitz said in Heidelberg that he wanted to go to central Germany, and he left Heidelberg with Dr. Knieriem and Ilgner.

Q Was it the reason because Allied troops were approaching Heidelberg?

A I suppose so.

Q When was Heidelberg occupied by Allied troops?

A That was Easter, as far as I remember, on Good Friday, I think, on the first of April.

Q In other words, for all practical purposes, if you wanted to destroy the files, you only had this very brief period of time between Schmitz's departure and the period of time of the occupation by the enemy?

MR. AMCHAN: Objection. The question is speculative. He is asking "if she had wanted to do something." He is not inquiring about a fact. That is speculative and objectionable.

DR. GIERLICH: No, it was not my intention to put a speculative question. I only wanted, from the point of view of the fact that the Prosecution with the slight tone of doubt, put a question of how it was possible that Geheimrat Schmitz left on the 27th, and for Miss Ester, on the other hand, that without any instructions, she destroyed the files by the end of March. I merely wanted to give the right political context through my questions; and it seems to me that by her testimony, namely, that Schmitz left on the 27th of March and that the occupation of Heidelberg took place on the first of April --

MR. AMCHAN: One moment, please. The very fact that counsel in his explanation says he wants to give the correct political connotation to the question shows on its fact it is objectionable. Now, if he just wants to ask her for a fact and to reply to a fact, we have no objection. We object to making an argumentative and interpretative question being put to the witness. If he wants to ask her for a fact as to

what transpired between certain given days, that is all right with us.

DR. GIERLICH: It was far from my mind to put a speculative question.

THE COMMISSIONER: All right, go ahead and ask the question, and get it over with. The lawyers are spending too much time testifying.

BY DR. GIERLICH:

Q Well, then, you answer the following question. When did you think that Heidelberg was occupied?

A As I remember it, on the first of April.

Q The computation which you made in 1936 for reasons of taxes served what specific purpose?

A To define the Geheimrat's place of residence in the course of the year.

Q Is it my understanding, witness, that through that computation a basis was to be given for the distribution of his taxes to the various places of residence?

A Yes, that was my understanding of the reason.

Q And in that computation you put down what days he himself was present in Berlin or absent from Berlin?

A Yes.

Q As for the 180 days of his absence, this included trips abroad and trips to other places in Germany, did it?

A Yes.

Q Could you say from your memory when Geheimrat Schmitz was in the United States for the last time?

A As I remember it, it was in 1929, and then he went again in 1934, I think; but I am not absolutely certain.

Q And as you see it, how long did the negotiations which he held abroad last?

A I should say four or five weeks every time.

12 April 1948-24-4-Perrin (Kurtz)
Court VI, COMMISSION

DR. GIERLICH: Thank you very much, I have no further questions.

THE COMMISSIONER: Any questions from the Prosecution?

MR. AMCHAN: We have no further questions.

THE COMMISSIONER: I believe it's been agreed that we shall adjourn and recess until 10 o'clock tomorrow. The commission will take a recess until 10 o'clock tomorrow.

(The Commission recess until 1000 hours, 13 April 1948)

Official Transcript of Military Tribunal
VI, Case VI, in the matter of the United
States of America against Carl Krauch, et
al., defendants, sitting at Nurnberg, Ger-
many, on 13 April 1948, 0900 hours, Judge
Shake presiding.

THE MARSHAL: The Honorable, the Judges of Military Trib-
unal VI.

Military Tribunal VI is now in session. God save the
United States of America and this Honorable Tribunal.

There will be order in the court.

THE PRESIDENT: You may report, Mr. Marshal.

THE MARSHAL: May it please Your Honors, all the defendants
are present save the defendants Lautenschlaeger and Haefliger, absent
due to illness.

THE PRESIDENT: Any announcements, gentlemen?

DR. ASCHENAUER (Counsel for defendant Gattineau): Mr.
President, I should like to ask the Court to excuse the defendant
Gattineau from the session for this afternoon and tomorrow morning
so that he may prepare his defense.

THE PRESIDENT: That permission is granted by the Tribunal.

Anything further, gentlemen?... If not, I should like to
make a couple of announcements for the Tribunal.

On the 24th of March the Prosecution offered its Document
NI-12902 as its Exhibit 2059. Dr. Seidl challenged the admission
of this affidavit and in connection therewith offered his Document
806 as Duerrfeld Exhibit No. 1. These relate to the affidavits of
Norbert Jaehne.

The Tribunal indicated that it would postpone the ruling
on these offers and objections until it had a translation into
English of the document offered by Dr. Seidl. Dr. Seidl has since
made a showing that he has submitted for the record an English
translation of his Document 806, Duerrfeld Exhibit 1.

I now hand these documents to the Secretary General for

the record and remind Dr. Seidl to see that the proper distribution is made of the document to the Prosecution and to the Tribunal.

We must also like to state for the record an observation of the Tribunal with respect to the matter of briefing. It is applicable to counsel for both sides, and I trust that those who are present will remind the absentees of this suggestion. The suggestion is as follows:

As a part of the briefs to be submitted by counsel the Tribunal takes the liberty of suggesting that it would like to have short and succinct findings of the ultimate facts establishing the guilt or the innocence of each defendant as contended by the respective parties. The statements and the findings should be supported parenthetically by appropriate citations to the exhibits and the transcript so that conflicts in the contentions of the parties may be resolved by the Tribunal.

Where the charges and the evidence relate to groups of defendants or to all of them the findings of fact may likewise be so stated.

In such cases these findings need not be restated as to each defendant, but a reference to the general findings will suffice in that regard.

To be most useful to the Tribunal, the findings herein contemplated should be confined to what the respective parties deem to be the more significant and controlling facts. No effort need be made to summarize all of the evidence.

It is believed that what the Tribunal desires can be accomplished by the use of a comparatively few pages of manuscript devoted to the subject of the criminal responsibility of each defendant as charged in the indictment. The suggestion herein contained are not to be deemed as a limitation upon the privilege of counsel to otherwise brief their case as they see fit.

If there are no other announcements, counsel may proceed

with the examination of the witness.

REDIRECT EXAMINATION (Continued)

DR. CARL WURSTER (Resumed)

DR. WAGNER (Counsel for defendant Wurster): Your Honors,
I have only three supplementary questions to put to Dr. Wurster.

BY DR. WAGNER:

Q Dr. Wurster, yesterday you were asked whether you knew
that one of your gentlemen, that is to say, one of the members of
your plant, made a trip to Paris. I now ask you this: Did these
trips have anything to do with the recruitment of labor?

A No, the recruitment was a matter for the authorities.
These visits—I think there were one or two—had the purpose of
pointing out to the authorities that only such workers should be
sent to us as were suitable for the chemical industry. We wanted
to avoid barbers being sent to us. And the work was discussed with
the enterprise firms, which have frequently been discussed here and
of which you will submit evidence here.

Q How long did these voluntary work contracts last? I am
referring to the French workers employed at your plant.

A Generally for six months. The predominant majority of
the workers concerned, however, repeatedly prolonged these contracts
voluntarily for another six months.

Q I shall now leave that subject, and I shall only put a
supplemental question to you with respect to Prosecution Exhibit
2120. You remember that I already asked you yesterday about this
exhibit. With respect to paragraph 2, the report of the trip to
Poland before the Vorstand, you have already made some statements
here and I have asked you whether, as it was alleged, there is a
connection between this report on the journey to Poland and the re-
port of the Commercial Committee, as it is listed under paragraph 3
of your report. I think I can remember correctly that you answered
that that was a report of the Commercial Committee which met before

that trip because otherwise no report on it could have been made.

My question is this: Do you perhaps know when this commercial Committee met in which this report was made?

A Through a study of the Prosecution documents, I have been able to ascertain that the statement I made yesterday was correct. The Prosecution Exhibit 1136, NI-5947, Book 55, German page 46, English page I don't know, shows the following, and I quote excerpts from the same passage which the counsel for the Prosecution quoted when presenting the document. "It is the view of the KA to found a receiving company."

This meeting, as is shown by the Prosecution, was on the 20th of October, 1939. That is to say, three weeks before the Vorstand meeting where I reported in the sense I testified yesterday, and also about one week before the trip, where I accompanied this official as a technical advisor. In other words, there is no connection between the reports I made in the Vorstand and the report on the decision of the Commercial Committee.

Q For the sake of order and to avoid cumulative evidence I want to ask you: You were not a member of the Commercial Committee, were you?

A No, of course not. I have only seen the minutes here for the first time.

DR. WAGNER: That concludes my questions to the witness.

BY DR. HOFFMANN (Counsel for defendant Ambros):

Q Dr. Wurster, during cross-examination, Mr. Sprecher stated that Ambros was at Ludwigshafen and, in addition, had to take care of a number of other plants. In supplementation of that question I want to ask you what the relationship was between Ambros' activity at Ludwigshafen and his trips for the management of the other plants.

A Dr. Hoffmann, that varied considerably in accordance with the problems which he had to meet. He was often at Ludwigshafen,

and then again there were times when he was on trips.

Q Whenever he returned from his trips, Dr. Wurster, have you often discussed these plants and the problems which he met there?

A I would say that that was done in broad outline. Dr. Hoffmann, my first university professor told me in his first lecture that natural scientists are "see" animals, and that is why we always talked about things which we actually have seen. Naturally we discussed the rough outlines of problems, but we only discussed and were interested in those things which we actually saw.

Q.- Now, this is my last question. Did Dr. Ambros at any time tell you that he knew that human beings were being gassed in the concentration camp Auschwitz, or that at a construction place of Auschwitz there were any maltreatments?

A.- No.

DR. HOFFMANN: No further questions.

THE PRESIDENT: Anything further, gentlemen?..... If not, Judge Morris would like to ask the witness a question or two.

BY JUDGE MORRIS:

Q.- Dr. Wurster, perhaps by a few answers to questions you can help me understand better one of your exhibits, which I presume will be shortly introduced in evidence. It is Document 230 in your Book 5, an affidavit by Wilhelm Daniel and Franz Steinhart regarding the insurance of workers in your plant.

When an accident occurred in which a German worker was injured and that worker was insured, to whom were the proceeds or benefits of the insurance paid, to the worker or to the Ludwigshafen Oppau Plant?

A.- The plant paid contributions to the Professional Association of Chemical Industry for such purposes. After the degree of damage had been determined pertaining to the injured worker, this Union immediately paid him the benefits which were due to him. These moneys were not paid to the factory. The factory on its part, in most cases, voluntarily gave the man concerned some additional money, but they were not obligated to do so.

Q.- When a prisoner of war was injured, who was insured — as this affidavit indicates prisoners of war were insured — who received the benefits of the payments coming from the Association?

A.- Not the factory — and I don't know in what way the Wehrmacht organization handled this matter.

Q.- When foreign workers were insured, to whom were the insurance

payments made to compensate for their injuries?

A.- These payments were made to the foreign worker concerned. In fatal cases and in the cases of those countries where there were agreements, payments were made to the members of the family of the man concerned.

Q.- Even though the members of that family lived in France or some other foreign country?

A.- As I already said, that was only possible in case of those countries where there were appropriate inter-state agreements; for instance, I am positively certain about that with respect to cases involving Italy. From memory, however, I can't tell you how many countries had made that agreement. That probably was not true in the case of eastern workers, but there I am not quite sure because the eastern workers were able to make savings. I think, on the average, every eastern worker could save 40 marks per year. For these 40 marks they could buy stamps, savings stamps, and these savings stamp cards were sent to some central office in Berlin, which allegedly transferred the money to a Ukrainian bank. It may be that some sort of settlement was possible in case of accidents, but I don't know of it.

Q.- Was the Professional Association for the Chemical Industry a private organization or was that an organization of the government?

A.- That was a compulsory organization of the so-called self-administration of industry. That is to say, all chemical factories were members of this association and were members by compulsion. The association as such was under state supervision, as it was done in Germany in the case of every insurance company. They were under state supervision with respect to their finances and reserve funds, etc.

Q.- That is all.

THE PRESIDENT: Anything further of this witness?

DR. WAGNER: No, Mr. President.

THE PRESIDENT: Then, Dr. Wurster, you are excused from the witness stand,

(Witness Dr. Wurster excused from witness stand)

DR. WAGNER: Your Honors, I should now like to ask for permission to submit our documents. I shall start with Book 1. These are documents pertaining to Dr. Wurster's career, and in that connection I offer our Document 305, Exhibit 21, which is an affidavit of Dr. Carl Wurster of the 8th of January, 1948. It contains his curriculum vitae up to his entry into the Vorstand of Farben on the 1st of January, 1938.

Our Document No. 176, Exhibit 22, is an affidavit of Dr. Max Scharff of the 21st of October, 1947. Dr. Scharff was the superior of Dr. Wurster in the Ludwigshafen plant, and he confirms that only on the basis of his own efficiency did he advance in the plant.

Document 180, Exhibit 23, is an affidavit of Dr. Otto Seidel of 2 January 1948, Dr. Seidel, until 1937, was a member of the Vorstand of Farben and the head of the Ludwigshafen plant. He confirms that Dr. Wurster up to the time he joined the Vorstand, had no insight into the entire situation of the Ludwigshafen plant, much less into the situation of Farben as a whole, and he really could not possibly have any insight into Farben's policy. He, finally, points out that Dr. Wurster's appointment to the Vorstand came about upon the request of the repeatedly mentioned Prof. Dr. Carl Bosch. It came about because of the scientific and technical qualifications and because of his character. Finally, one sentence of Dr. Seidel may be quoted where he said that Dr. Wurster was one of the bearers of the spiritual heritage of Dr. Bosch.

Our Document 562, Exhibit 24, is a speech made by Dr. Carl Wurster on the occasion of the funeral ceremony for Carl Bosch. It is an excerpt from a Farben plant paper. We have submitted this excerpt in order to show how our client expressed himself during that period, and what the sense of his speeches was. I think it should be underlined that he said that

13 Apr-M-FL-2-4-Schwab

Court No. VI, Case VI

one should be "untiring seekers for truth, champions of scientific research, champions of technical mastery of the laws of nature, that is, champions of our beloved Germany and of the progress of humanity at large."

Our Document No. 188 will become Exhibit 25. This is the affidavit of two men, Eugen Tournier and Eugen Hartlaub, dated the 20th of October, 1947, whom Dr. Wurster had already known at the time he was an apprentice at the Plant. These simple workers describe Dr. Wurster as a man of an entirely new brand, who saw in every employee of the plant a fellow worker and who disregarded class distinctions.

Our Document 287 will become our Exhibit 26. This is an affidavit by Dr. Wilhelm Scherer dated the 9th of March, 1948, containing a list of German and Foreign Patents granted for Dr. Wurster's inventions.

Our Document 275 will become Exhibit 27. This is an affidavit of Robert Storch and Hans Morgenthauer dated 15 March, 1948, stating Dr. Wurster's net income from 1938 to 1944.

Our Document 265 will become our Exhibit 28. I think I made a mistake. Our Document 265 was only submitted for purposes of identification because it represents the Prosecution's Exhibit 392, and we do not want two different exhibit numbers for the same document. That is why I am only submitting Document 265 for identification. I think that is technically correct.

THE PRESIDENT: As your Exhibit 28?

DR. WAGNER: As our Exhibit 28.

This is the affidavit of Dr. Ernst Struss dated the 26th of August 1947, describing Dr. Wurster's sphere of responsibility. He states that Dr. Wurster was not responsible for any other plants, apart from Ludwigshafen and Oppau, neither in a technical capacity or as Betriebs-fuehrer, Plant Leader.

The following Document No. 1, Exhibit 1, is already in evidence. I have to submit our Document 26 as Exhibit 29. This is the affidavit of Mr. Karl Haisch and Dr. Fritz Mueller dated 3 March, 1948, identifying the factory plan that was Dr. Wurster Exhibit No. 1.

Our next Document 3 is already in evidence as Exhibit 2.

Our next Document 2 is already in evidence as Exhibit 6.

Our Document 304 will become Exhibit 30. That is an affidavit of Dr. Wurster dated the 17th of December, 1947, on his work as Betriebsfuehrer at Ludwigshafen-Oppau, and as a member of the Vorstand, and of the Technical Committee of Farben, subsequent to 1 January, 1938.

I should like to ask the Tribunal to give particular attention to that affidavit because my client explains in that document how he was overwhelmed after that date and how he himself carried all of the duties.

At this point I have to make a remark which refers to several documents. When comparing the English text with our German original text, we unfortunately found out that on many occasions, translation mistakes have been made which are not only superficial mistakes, but actually distort the sense of what I wanted to say. That means that you, in reading the text, are not reading what we intended to write.

In order not to delay this presentation of evidence, we have decided to make the superficial corrections in writing, but on the other hand present verbally the more serious mistakes so that you may be able to get the correct sense of what we are presenting, and I think that that will meet with your approval.

I have to point out a mistake distorting the sense of the document on page 35, with respect to paragraph 9. The German text reads, and I quote: "The way in which the TEA worked, I found to be the following: After a technical or scientific lecture, after which there were discussions, the application for credits were dealt with." The English translation gives rise to the impression that discussions referred to the credit applications. I therefore phrased the new text in English and I should like to suggest it. This text would read—

THE PRESIDENT: Pardon me, Doctor. I am not sure we have the

proper place. What exhibit is it?

DR. WAGNER: Exhibit 30, Paragraph 9.

THE PRESIDENT: Thank you. I have it now.

DR. WAGNER: I suggest the following English text which would be the exact translation of the German: "I found the regular routine in the Technical Committee to begin with a Technical or Scientific Lecture which was followed by discussions, after which credit applications were decided upon."

MR. SPRECHER: We will stipulate to that correction.

DR. WAGNER: Thank you.

MR. SPRECHER: I might say that I think this use of the words "loan" and "credit" often will be translated that way, because either are perfectly correct translations, but I think all of us understand that when the TEA is mentioned these credit applications from the Works are involved.

DR. WAGNER: Thank you.

THE PRESIDENT: May I suggest, Dr. Wagner, that as you introduce these exhibits, if you find an error in the translation, call our attention to it merely, and we will make a note on our index, and then after you have completed your document, introduction, you can prepare a memo and submit it to the Prosecution, and we can make all of the corrections at once. Meanwhile, we will indicate on our index that there is some question about the translation so that we will be cognizant of it.

DR. WAGNER: Thank you very much. That will be a very practical way.

Our Document 306 is to be Exhibit 31. That too is an affidavit of Dr. Wurster of the 8th of January, 1943, on his activity as Chairman of the Sulphur Sub-Committee since 1934, and as a member of the Inorganic Production Committee, and as a member of the Chemicals Com-

mittee in 1938.

Our Document 225 will become our Exhibit 32. That is an affidavit of Hans Morgenthaler dated 26 January, 1948. Hans Morgenthaler will repeatedly be mentioned as an affiant because he was Dr. Wurster's Personal Secretary. This Secretary who worked with him for many years describes the manner in which Dr. Wurster dealt with his duties since 1938. He describes the division of his time, the way he dealt with the mail, about which I already asked him, and he further elaborates on the activities.

Our Document 168 will become Exhibit 33. That is an affidavit of Professor Erich Pietsch on Dr. Wurster's work in his capacity of Chairman of the "Adolph Bayer Society for the promotion of chemical literature". The witness confirms that this was a purely scientific, honorary office, and that Dr. Wurster, after Dr. Carl Bosch's death became his successor, in 1945.

Document 595 will be our Exhibit 34. That is an excerpt from Document Schmitz No. 41, Book 3. I am only submitting that document for identification. It deals with Dr. Wurster's activities as successor of Dr. Carl Bosch in the Adolph Bayer Society.

Our Document 255 will become our Exhibit 35. It is an affidavit of Dr. Ernst Kuss, member of the Vorstand of Duisburger Kupferhuetten, dated 6 February, 1948. The witness describes Dr. Wurster's activity as member of the Aufsichtsrat of the Duisburger Kupferhuetten from 1939 onward.

Our Document 248 will become Exhibit 36. This is an affidavit of Dr. Bothe Muelert dated 16 January 1948. The witness describes Dr. Wurster's activities as President of the Chamber of Industry and Commerce in the Palatinate from 1941 onward.

He describes the attempts which were made after the collapse, in view of his unpolitical and objective conduct during the second World War, to secure the services of Dr. Wurster for the advisory committee

of the established Chamber of Industry and Commerce.

Our Document 223 will become our Exhibit 38. That is an affidavit by the Vorstand of the Palatinate District Association of the Chemical Industry dated 29 January, 1948, and confirms the full confidence which this Association and the Chemical Industry at large showed in Dr. Wurster; even after the collapse, he was suggested to become the representative of the Professional Association Chemical Industry of the Palatinate because of the objective and unpolitical manner in which he carried out his duties as Chairman of the District Association.

Document 186 will become our Exhibit 39. It is an affidavit of a certain Dr. Hugo Storch, dated 2 January 1948. The witness was Ortgruppenleader of the Nazi Party in Ludwigshafen. He states that Dr. Wurster was a compulsory Party member in the true sense of that phrase; that is to say, that according to an order by the Gauleiter, he was arbitrarily taken into the Party.

Our Document 102 will become our Exhibit 40. This is an affidavit by Josef Bast, dated 27 October 1947. He was an employe of the Ludwigshafen Plant. The witness makes an interesting statement to the effect that Dr. Wurster immediately before Ludwigshafen's occupation by American units, was reportedly asked by Berlin, through teletype, to leave Ludwigshafen immediately, and to go to Berlin. The affiant used the word, "absetzen" in relation to his reporting to Berlin, but this will be difficult to translate into English. He furthermore confirms that Dr. Wurster did not obey this order, in the interest of the Plant.

The next Document bears a wrong number. I think it bears the No. "540", but actually it should bear the No. "549". We are only submitting this document for identification --- I beg your pardon. We are submitting this document into evidence as Exhibit 41. This is Hitler's demolition order, which was taken from the IMT trials, where it was there Exhibit No. 25. This order bears the date, - and that is important, of the 19th of March, 1945; and it provides that all military installations and industrial establishments and equipment within the Reich will be destroyed.

The next document, 550, will be our Exhibit 42. This too is an excerpt from the IMT trial, Speer Exhibit 20. This document is a moderation of the mobilization decree dated 30 March, 1945.

In order to convey to you why we submit these two orders, and after the other, I might state that they were submitted because Ludwigshafen was occupied between the 19th and the 30th of March, 1945, and because particularly at that time Dr. Wurster was still subject to the order of the

19th of March, which was to destroy the plant; when the moderation of the decree was issued, the period critical for him was already over due to American occupation.

MR. SPRECHER: As Dr. Wagner pointed out, Mr. President, during his presentation, Ludwigshafen was occupied on the 21st of March, 1945 by American forces. I cannot see any relevancy whatsoever in an order issued by Hitler concerning German practice on and after the 30th of March, 1945, as Hitler saw it, in so far as it had any relation to what this defendant did.

Moreover, I must object to the introduction of both of these documents, 41 and 42, in that I do not see how it is connected to the charges in this case.

DR. WAGNER: Mr. President, may I ----

THE PRESIDENT: Dr. Wagner those objections will be overruled. They may throw some light on the conduct of this defendant at the time under inquiry.

JUDGE HERBERT: Dr. Wagner, there seems to be a mistake in our book. Your Document which is listed in the index is your Document No. 540 --

DR. WAGNER: It is 549.

JUDGE HERBERT: In the book --

DR. WAGNER: In the book it is called 540.

JUDGE HERBERT: Yes, but the document referred to is not included in the English copy of the book.

DR. WAGNER: I am very sorry Judge Hebert: What actually appears to be Document 540, which has to do with feeding prisoners of war. Will you please have us supplied with the correct copies.

DR. WAGNER: That is true, Your Honor. We found the mistake, and we ask that a supplemental document be issued to you. Thank you for pointing it out to us. The supplement should be already in the possession of the Tribunal, because already 8 days ago we asked that it be done.

THE PRESIDENT: You may go along, Dr. Wagner, we understand the situation and if the documents have not been delivered to us, you can do that later. They may possibly be in our office.

DR. WAGNER: Thank you.

Document 11 will become Exhibit 43. That is a proclamation by the Plant Manager of the Ludwigshafen Plant, and Dr. Wurster, and by the Works Counsel, Lorenz, to the staff of the Ludwigshafen and Oppau Plants at that time, dated 30 May, 1945. The proclamation speaks for itself, and I do not think I need to waste the time of the Tribunal by quoting from it.

Our Document 174 will become our Exhibit 44. That is an affidavit by Lt. Colonel Wayland Rhoads, dated 16 February, 1948. Dr. Wurster worked with him while Ludwigshafen was occupied by American troops. It is a very brief affidavit, and I would say it is a militarily brief affidavit.

The witness states that Dr. Wurster did all he could when Ludwigshafen had been occupied to create order out of a chaos. He says "By manufacturing thousands of tons of fertilizer he caused the production of hundreds of thousands of tons of additional food. This was so very important in both the American and French zones."

As Document 138, Exhibit 45, we submit a statement by Captain John T. Marshall, dated 12 October, 1947, who too was one of those American officers who worked with Dr. Wurster during the time Ludwigshafen was occupied by the American army. He gives us a picture of the personality of Dr. Wurster, and I do not think it will escape the attention of the Tribunal.

As Document 187, Exhibit 46, we submit an affidavit by Dr. Bernhard Timm, dated 9 January, 1948. Dr. Timm states that on 5 July, 1945, when General Order No. 2 was presented by American officers, Dr. Wurster was provisionally reinstated as official manager of the Ludwigshafen-Oppau Plant.

Document 506 will become Exhibit 47. That is a petition submitted by the Works Council of the Ludwigshafen plant, to the French

Administration of the Plant, dated the 29th of May, 1947. The 2000 workers explained their unanimous wish that, "Dr. Wurster should come back to us as our head. "

Finally, the last document will be Document 507, which will become our Exhibit 48. This is a proclamation by the French Administration of the Ludwigshafen Plant to the employees of the Plant dated 21 August, 1947, on the occasion of the strike to protect against Dr. Wurster's removal to Nurnberg.

The Colonel who was the author of this statement speaks of the "characteres sentimental" of this council.

MR. SPRINGER: Mr. President, as a group, the Prosecution would like to object to the introduction in evidence of Wurster Exhibits 44 through 48; all of these documents relate to statements concerning Dr. Wurster's activities after the collapse with respect to matters which we think are so completely remote from the charges in this case that they should not be credited with the dignity of evidence.

DR. WAGNER: In that connection --

THE PRESIDENT: The objection is overruled. Go along.

DR. WAGNER: We now turn to Book 2. My associate, Dr. Heintschler, will present that book in accordance with our division of work.

DR. HEINTZLER (For Dr. Furster) The documents of Book II refer, with the exception of a few documents at the end of the book, to Count 1 of the indictment. The first group of documents refer to the so-called Mob preparations at Ludwigshafen. Document 16 is already in evidence as Exhibit Furster No. 3.

The next document 140 I shall submit as Exhibit 49. It is an affidavit of Dr. Hans Lehner who dealt with the Mob questions at Ludwigshafen before the war, and he confirms that Ludwigshafen before the war at no time had any binding mobilization production plan.

The next document 158 I shall submit as Exhibit 50. This is an affidavit of Dr. Alfred von Nagel of the 22 of December 1947, and the witness describes that after the telegram of the Vermittlungstelle-W was received he was commissioned to work out a counter proposal of the so-called "Minimum Production."

The next document 107 I shall submit as Exhibit 51. This is an affidavit of the chairman of the calculation department of the Ludwigshafen plant of the 11 of November 1947. This document is a survey of the production costs of the important products of Ludwigshafen during the first three-quarter list of 1939. This affidavit shows that this production could justify no conclusion as to any preparation for war.

I shall now turn to the documents referring to Dr. Furster's activity in the sulphuric acid field, which is the actual technical field of activity of Dr. Furster. The document 295 is already in evidence as Exhibit 4. The document 300 is also in evidence as Exhibit 5. Document 295, Exhibit 4, under paragraph 6, I think in the English text it is erroneously designated paragraph 5. It is page 26. It shows the collaboration of Dr. Furster with the so-called Prager Verein.

Therefore, after this document, would you please permit me to submit an affidavit of Ma Mayer of the 20 of March 1948. I assume that the Tribunal has received this document in supplement to Document Book VI. In order to maintain the material connections, it would be more appropriate

to submit this document at this point. May I ask if the Tribunal has this supplement of Book VI? The document bears the number 313, and I don't think that this number was printed when the document were mimeographed. I shall offer this document as Exhibit 52. Mr. Max Mayer was the head of the Prager Verein, and in that capacity had many dealings with Dr. Hurster. Today he is an American citizen. I should like to quote the last sentence of his affidavit: "When I left Czechoslovakia, I told my successor, Dr. A. Basch, that a further collaboration with Dr. Hurster and his associates would mean considerable advantage to the Ludwig-Praha Company." The reasons why Max Mayer made that statement become evident from Dr. Hurster's characterization in the preceding pages of this affidavit.

The next document in Book II will be Document 603 as Exhibit 53. That is an excerpt from the minutes of the sulphur sub-commission of the 13 January 1937 during which Dr. Hurster reported on the demand for sulphuric acid. He stated into what channels sulphuric acid was diverted, and it must be pointed out that only eight per cent of the production of sulphuric acid was channeled into the manufacture of explosives; the rest was used for fertilizers, artificial fibre, and for the most varying normal chemical productions.

The next document 576 will be Exhibit 54. This is an excerpt from the minutes of the conference of inorganic chemistry on the 23 of January 1939 in Levenskusen. The excerpt shows that the balance of sulphuric acid for 1940 shows an enormous deficit. It is a sort of a preview. The enormous consumption for cellulose was pointed out.

The next group of documents are submitted in order to explain to the Tribunal the background which preceded the correspondence which the prosecution submitted as their Exhibit 1940 during Dr. Gajowski's cross examination.

Document 599 I submit as Exhibit 55. This is a letter of the supervisory board chemistry to Farben, dated 8 March 1937. The document 581 I shall submit as Exhibit 56. It is a file memorandum of Farben on a conference in the Reich Ministry of Economics on the 9th of March 1947

about the subject which was explained in Document 599, Exhibit 55. From Exhibit 56 I submit a statement that at the end of the conference it was decided to discuss the question of whether it would not be possible to curtail, through intervention at the Reich Ministry of War, the requirements of the armament ministry.

The next document will be 582 which will become Exhibit 57. This is a circular from the inorganic department of the Ludwigshafen plant of 11 March 1937 in which, amongst others, it is stated that Farben in view of the scarcity of sulphuric acid has reduced the delivery of that substance the Dynamite-Aktiengesellschaft.

The next document 583 is already in evidence as Prosecution 1940. I shall now submit it for identification only as Jurster 58. This is a letter from Dr. Paul Mueller, the general director of Dynamit A.G. to Dr. Jurster, dated 12 March 1937.

The next document 584 is the reply of Dr. Jurster to Dr. Paul Mueller, dated 13 March 1937. It is also contained in Prosecution Exhibit 1940. I am offering it for identification only as Jurster Exhibit 59.

The next document is Document 585 which will become Exhibit Jurster 60. It is a letter from the General Director of Dynamit A.G. to Dr. Jurster, dated 15 March 1947. I should like to draw the particular attention of the Tribunal to this document. Dr. Paul Mueller writes, in his letter to Dr. Jurster, and I quote a short passage -- this page will be found on page 43 of the document book -- "At the same time I am compelled to state that according to our files which we have gone through again carefully, we had to be under the impression that you had reduced" -- that is Dr. Jurster -- "our supplies" -- that means the Dynamit A.G. -- "in the same ratio as those of our other customers. Had we known that as you state yourselves, our supplies had been reduced by practically the whole amount of the shortages and -- and this refers to sulphuric acid --" it would have been our duty to discuss with you" -- etc.

The next document 586 I shall submit as Exhibit 61. These are

excerpts from the minutes of the 57th conference of the sulphur sub-commission of the 16 of March 1937, in the course of which the dispute between D.G. and Farben was settled. It was made clear that Dr. Wurster's point of view was considered to be correct by the gentlemen of D.G.

DR. SPRACHE: Although normally, Mr. President, we don't make objections to the wording of the indexes or even call your attention to them when we think they're somewhat misleading, I think we should point out that with respect to Exhibit 51, 506, that the problem was not that I.G. wasn't informed but a question of who in I.G. was informed at what time, which makes quite a considerable difference.

THE PRESIDENT: Very well.

DR. HEINTZNER: The next group of documents refer to the process for the production of sulphuric acid from gypsum. The first documents show that plants for the production of sulphuric acid from gypsum were already constructed abroad before 1933. We see that there was interest in such plants abroad. The document 578 I shall submit as Exhibit 62. These are excerpts from the minutes of the conference of the chemicals committee of 5 July 1933.

The next document 579 will become Exhibit 63. This is an excerpt from the minutes of the conference of the chemicals committee of 4 December 1947.

Document 580, Exhibit 64 again is an excerpt from the 43rd conference of the chemical committee of 19 April 1938.

The following documents concern the gypsum sulphuric acid plant of Farben at Wolfen. The document 601, Exhibit 65, is an excerpt from the minutes of the sulphur sub-commission of 26 September 1943, during which the sulphuric sub-commission represents the point of view that Farben is prepared to build a gypsum sulphuric acid plant in Wolfen-central Germany if the rayonne industry should be in need of sulphuric acid.

The document 602 will become Exhibit 66. This is an excerpt from the minutes of the combined conference of the chlorine and sulphur sub-commission of 22 April 1936. Here again it is pointed out that an increase

of the sulphuric acid capacity of the Farben will come about as a result of the increased Farben production. The reasons are pointed out why it is deemed advantageous to construct a gypsum sulphuric acid plant; in particular, because that would make it possible to obtain license profits through surrendering the process to foreign countries.

The document 606, Exhibit 67, is an excerpt from the minutes of the sulphuric sub-commission conference of 1 April 1938 during which it was stated that the gypsum sulphuric acid plant, which in the meantime had been constructed at Tolfen, had such a low production cost that it showed that a much better production had been chosen.

The next document 607 are excerpts from the minutes of a sulphuric sub-commission of the 16 April 1939. It was mentioned that a gypsum sulphuric acid plant would be uneconomic in western Germany because the freight rates for pyrite are favorable. This exhibit 68 and the document shows that whether or not the gypsum sulphuric acid process is economical depends mostly upon the question of its location.

The next documents refer to the storage of pyrite. These documents are issued because of the prosecution exhibit No. 749 in Document Book 40.

Document 508 will become Exhibit 49. It is the letter of the Ludwigshafen plant to the Reich Ministry of War, dated 29 November 1937.

THE PRESIDENT: Pardon me, doctor. We got the translation that you gave us the Exhibit Number of 49. We think you mean 69.

DR. DEINTZELER: Yes, 69. Document 508 will become 69. Document 600 is already in evidence as Prosecution Exhibit 749. The defense is only offering it for purposes of identification as Exhibit 70.

The next document will be Document 538. I think the number 538 is in the index but it should actually read 558. I offer this document as Exhibit 71. This is a file note of the Central Finance Administration of Farben of the 26 of July 1937 from which one may see that the storage of pyrite was important because for economic reasons authorities wanted a high amount of pyrite import from Spain. They wanted to do that in order to affect in this manner the speedier payment for the German products which have already been exported.

The next document 560 will become Exhibit 72. This is a file note of Dr. Hurster of 12 July 1937 dealing with the same subject. This file note shows that the pyrite stock, which came about as a result of import from Spain, was to be decreased in five years. The English text erroneously translated "Schwefelkies" as "gravel", and it actually should be translated as pyrites. I would like to ask the Tribunal to make a notation to that effect in order that they may understand the document. This document 560, Exhibit 72, has a mistake in its English copy because it is only stated therein that in future only 40,000 tons of pyrite were to be agreed upon; whereas in reality it should read 400,000 tons of pyrite.

The next document 5075 I shall offer as Exhibit 73. This is an excerpt from the minutes of the conference of inorganic chemistry on the 30 of June 1939 in Leverkusen. It was stated during that meeting that "the pyrite supplies of Farben have shrunk to about half a year's supply."

The next document will be Document 579 which is already in evidence as Exhibit 63. It must, however, be included in this document book in order to maintain the connection.

The next documents show examples of the fact that Dr. Wurster in 1939 had technical cooperation with foreign countries and that he promoted it in a manner which cannot lead you to conclude that he expected an aggressive war. The first document will be 574 which will become Exhibit 74. This is an excerpt from the TEA gathering of the 25 January 1939 in which it was stated that "in the inorganic field"—which was the field of Dr. Wurster—"a certain collaboration with the French firm St. Gobain seems to be forthcoming."

The document 577 I shall offer as Exhibit 75, which is an excerpt from the minutes of the inorganic chemistry meeting of the 5 April 1939. Dr. Wurster reports that, "the negotiations with St. Gobain are hopeful, despite present political difficulties."

The next group of documents show the activity of Dr. Wurster in the field of sulphuric acid outside Farben. Document 501 I shall submit as Exhibit 76. This is the official appointment of the 28 January 1944 of Dr. Wurster, who has been entrusted with the direction of the branch groups of sulphur and sulphur compounds and the industrial group chemical industry. The document is important specifically because of its date.

The next document 243 I shall offer as Exhibit 77. This, Your Honor, is an affidavit of Hermann Schuster of the 27 January 1948, who has been business manager and secretary of the branch group sulphur and sulphur compounds, and he confirms that Dr. Wurster, only since the beginning of 1944, became officially the head of the technical group which was formed in 1943. He furthermore makes statements with respect to the manner in which Dr. Wurster pursued his activity, and I shall permit myself to quote a brief sentence from Page 70 of the document. This is a sentence which unfortunately was not completed in the English translation to that the Tribunal can unfortunately not learn the most

essential facts from their copy. I shall now quote from Page 70. This is the last part of paragraph 3 of that affidavit: "Dr. Wurster fulfilled his functions in a strictly professional and objective manner. His attitude was, shall I say, markedly unpolitical after 15 June 1944." I think the word "unpolitical" is missing from the English text. I shall read the sentence then, "After 15 June 1944, Dr. Wurster had no meetings with the sub-committee."

I shall submit as Document 194, Exhibit 78—

THE PRESIDENT: State your document number and exhibit number again, please.

DR. HEDTZELER: This is Document 194, Exhibit 78. In the index of the English book there is a small but rather important mistake. The witness was there from 1937 until 1945 and not 1943. He was the referent of the GB Chemie. The witness, who up to 1945 was the referent with the GB Chemie, confirms that Dr. Wurster never had any other function than that of an honorary advisor without authoritative power or power of making decisions.

Document 502 I shall submit as Exhibit 79. This is an excerpt from the circular of the industrial group chemical industry of November 1944 which proves that Dr. Wurster was not a member of the presidium of industrial group chemical industry.

Document 177, Exhibit 80, serves the same purpose. It is an affidavit of Dr. Hermann Schlosser of the 23 of September 1947.

The last document with respect to Count 1 of the indictment I shall offer as Document 147, Exhibit 81. This is an affidavit of the private secretary of Dr. Wurster, Hans Morgenthauer, of the 15 December 1947. That deals with the Prosecution Exhibit 1028. This document speaks for itself, and I don't think I need burden the time of the Tribunal by elaborating on it.

Dr. Wagner will continue with the presentation in connection with Count II of the indictment.

THE PRESIDENT: Before Dr. Wagner resumes, we will take our morning recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. WAGNER (Defense Counsel for defendant Wurster): Your Honors, I now come to the documents in connection with Count Two, Plunder and Spoliation. I offer our Document 179 as Exhibit 82. This is an affidavit of Dr. Erich Pohland dated 28 October 1947. The witness was an Oberregierungsrat in the Reich Office for Economic Expansion from 1939 to 1945. This was the man who made the inspection trip to Poland and Dr. Wurster accompanied him as a technical expert. Dr. Pohland, as his affidavit shows, made this trip on instructions of the Reich Ministry for Economics. He said that this trip had no practical consequences because at that time the administration of occupied territories was in the hands of the Governor General who was directly under Hitler, so that the Reich Ministry of Economics as well as the Reich Office for Economic Expansion were excluded from the administration of occupied Polish territories. He cannot remember ever having seen the report, III-1149, Exhibit 1134, or any similar report.

Document 609 will be Exhibit 83. This is the affidavit of Dr. Botho Hulert dated 20 March 1948. From 1938 until 1944 this witness was director of the chemistry department in the Reich Ministry of Economics. He is now in the Bizonal Economic Administration. He testifies that if such a report had been received, he would have been bound to know of it, but that he never saw any such report.

Document 127, Exhibit 84, is an affidavit of Dr. Kurt Hoinkis, dated 21 November 1947. Hoinkis accompanied Dr. Pohland and Dr. Wurster on this short trip to Poland as an interpreter. In his affidavit he gives his impressions and says that Dr. Wurster had a special sympathy with the unfortunate country of Poland and that he expressed himself against anti-Semitism and that, in an artificial sild factory, he talked to the Jewish head of this factory, Dr.

Potznanski and described this man as a very pleasant person,

There is a small mistake in the English text of Exhibit 82, the affidavit of Dr. Pohland. It says in the English text on page 80, under #4, that the trip lasted from the 26th of October to the 11th of November. It should be the 1st of November. The translator added ten days and I think that should be corrected. The trip lasted not fifteen days, but five days.

I now come to Document 311, Exhibit 85. This is the other subject, the Diedenhofen Oxygen Plant affair. This is an affidavit of Dr. Walther Decker of 19 March 1948. Yesterday in direct examination and cross examination by the prosecution you heard the name of Dr. Decker. He was one of the men present in the discussions in the restaurant in Metz. From 1941 until 1945, Dr. Decker was business manager of Economic Chamber "Westmark" in Saarbruecken. From June to December 1940, he was in the Office of the Chief of Civilian Administration in Metz. He describes very briefly what happened in the negotiations about the oxygen plant and he states definitely that Dr. Wurster was no partner in the negotiations about the lease of this plant. He also testified that in 1940 Dr. Wurster was very much against the purchase of a French chemical factory by Farben which was desired by the Chief of the Civilian Administration in Lorraine.

With these few documents I have dealt with Count Two and, with your permission, I shall begin with Book III. Book III, first of all, contains documents of a general nature on the employment of foreign workers at Ludwigshafen. It begins with Document 513, our Exhibit 86. That is a letter of the Ludwigshafen Labor Office to the Farben plant, dated 5 February 1941. Characteristically it contains the following statement: "I have recently observed," the head of the Labor Office writes, "That Dutch, Belgian, Luxembourgian, as well as Slovakian workers, request employment in your plant."

Document 512 will be Exhibit 87. This is also a letter of the

Ludwigshafen Labor Office to the Ludwigshafen Plant dated 15 December 1941, stating that the French citizen, Angelo Marchandean, requested the German Labor Allocation Office in Paris to be employed with the I.G. Farben plant in Ludwigshafen.

Document 568, Exhibit 88, is a contract between the firm Dicu et Allain in Paris and I. G. Farben, Ludwigshafen, of 20 April 1941, to the effect that the French firm is to transfer 500 workers for assembly work. The contents of this contract are very interesting. I shall not, I believe, need to explain them any further.

DR. WAGNER: Our Document 593 will be Exhibit 89. This is an excerpt from the minutes of the Director's Mail-conference in Ludwigshafen of 9 May 1941, according to which the first 180 French mechanics (civilian workers) arrived and "were taken special care of with the assistance of a French engineer."

Document 515 will be Exhibit 90. That letter of the Ludwigshafen Plant to the German Reichsbahn of 28 August 1941 deals with a minor matter but we think that this matter was typical. The head of the plant complains to the Reichsbahn because fifteen French workers of the firm Dieu et Malin of Paris, which I have just mentioned, on 27 August 1941, wanted to go to Paris on leave and were not allowed to take a certain express train. The plant is bringing its influence to bear to smooth the way for the French workers. I thought this was characteristic. Of a plant of about fifteen thousand workers the director takes an interest in having fifteen workers get a certain express train. I wish you would pay special attention to the date. This was on 27 or 28 August 1941.

I now come to Document 566, Exhibit 91. A mistake has occurred here in the date which I should like to correct. This is a proclamation of the Ludwigshafen Plant management of 22 February 1943. The document says '45. It should be 1943 — "To the French workers employed in the plant." It deals with the fact that the workers were granted leave beyond the legal limit.

Document 510 will be Exhibit 92. This is a letter from the Ludwigshafen plant to the German Recruiting Office for Labor, dated 24 September 1941. It concerns workers from Northern France. I quote one important sentence. "We do not consider it expedient to force persons who have broken their contract to resume their place of work here."

I now come to Document 220, Exhibit 93. This is an affidavit of Otto Eckert who, since 1938, was chief of the Personnel Department for Workers in the I. G. Farben Plant at Ludwigshafen. He states that from

April 1943 to December 1944 a total of 8,004 foreign workers left the plant. Details can be seen from the affidavit itself.

Document 241 will be Exhibit 94. This is an affidavit of the same witness dated 29 January 1948. The witness testifies that the Ludwigshafen Oppau Plant, throughout the entire war always endeavored to employ chiefly German workers when covering its labor requirements resulting from state production requirements.

Document 145, Exhibit 95, is an affidavit of Eugen Minzenmay dated 21 November 1947. Mr. Minzenmay, from 1937 to 1945, was head of the Ludwigshafen Labor Office. He therefore has special knowledge of this subject and he states verbatim in perhaps the most important sentence, and I quote: "A refusal to employ foreign workers by entrepreneurs would have been regarded as an act of sabotage against war production and thus against the State by the official authorities and would have been punished accordingly."

The next document, 254, will be Exhibit 96. This is the affidavit of Dr. Alfred von Nagel of 29 January 1948, confirming that from the end of 1939 on the total production of the Ludwigshafen Plant was determined by orders of the State Planning Offices.

The next document is 516, Exhibit 97, a circular letter of the Personnel Department Ludwigshafen, dated 10 June 1942, to the Department Chiefs of the Ludwigshafen Oppau Plant concerning employment of foreigners. It contains a list of the considerations in the employment of foreigners dated 8 June 1942. It says, and I quote again very briefly: "The war forces us to employ foreign labor in our plants in order to be able to comply with the increasing production requirements."

The next document -- I continue my quotation on the next page. "As a general rule it must be stated that the foreigner lays especial stress on just treatment." and at another point he says, "Our main task in connection with the employment of foreign labor is to find out persons who are obviously unwilling to work and elements endangering discipline and

to send them back to their home country immediately."

Document 570 will be Exhibit 98. This is a letter of the Plenipotentiary for Construction work in the Armament Inspection District XII to the I. G. Farben Ludwigshafen dated 25 July 1944. In direct examination this was already brought up. This letter announces an assignment of 1,000 Jews from the Eastern territories and requires housing for these Jews according to concentration camp standards.

The next document, 296, Exhibit 99, is an affidavit of construction manager Camill Santo of 16 March 1948. He describes how, in agreement with Dr. Wurster, after very difficult negotiations, he succeeded in avoiding the employment of these people.

The next document, 247, Exhibit 100, is an affidavit of Dipl. Ing. Kurt Hoffmann of 19 October 1948. During the war he was chief of the Personnel Department Ludwigshafen. He describes that in 1944, 1,500 female Jewish concentration camp prisoners from Hungary were assigned to the plant and how, in most difficult negotiations, the plant succeeded in avoiding the employment of these prisoners in Ludwigshafen.

Document 7 is Exhibit 7. Document 288 is Exhibit 8. These two have already been introduced in the course of direct examination.

Document 6 is Exhibit 9. It is already in evidence, but with the indulgence of the Tribunal I should like to make one remark, of something which destroys the whole effect of this affidavit. It's only one word but it's very important. On page 38, in paragraph 2a, in the English text, you find the statement that these are photographs which are "retouched." It should be "untouched." The German word is "unchanged." Exactly the opposite. Apparently that is just an oversight and I ask you to kindly correct it.

I now come to Document 289, Exhibit 101. The whole subject that I am going to bring up now deals with Dr. Wurster's attitude to social welfare questions and specifically regarding foreign workers. First of all we have this affidavit of Oberregierungsrat Dr. Helmut Sturm who, during

the war, was working for the Labor Trustee in Saarbücken and is now a referent in the Ministry of Labor of Württemberg-Baden in Stuttgart in the U.S. Zone. He met Dr. Wurster there frequently and in his affidavit he writes that he noticed especially Dr. Wurster's great interest in Social questions. In his contacts with other plant leaders he observed that they were mainly interested in technical and commercial matters but Dr. Wurster was more interested in social matters. All his decisions affecting the workers and employees, he writes, were made on the basis of a profound social and humane attitude. This witness also studied the question of the foreign workers on the spot and he says that the care of Dr. Wurster as plant leader was devoted especially to the foreign workers because they were separated from their families and their homes.

The next document 169 will be Exhibit 102. This is the affidavit of Oberstudiendirektor Dr. Hermann Pinnow of 6 December 1947. Dr. Pinnow is an historian. He was obliged to withdraw to the field of industrial history during Hitler's reign because that seemed less dangerous. He was assigned to write a history of the Ludwigshafen plant and in this way he became acquainted with Dr. Wurster and had contact with him during the years 1940 to 1943. He says Dr. Wurster was not only responsible for, but was also the heart and soul of the progressive social policy pursued by the Ludwigshafen and Oppau Plants in continuation of an honorable tradition of many decades. I point out that he is acquainted with the care given to the foreign workers and his conclusion was that Dr. Wurster always endeavored to make the lot of the many thousand foreign workers easier, and to replace their home for them as far as possible under war conditions.

Document 160 will be Exhibit 103, which I recommend to the special attention of the Tribunal. It is written by a man, who, under the Hitler regime, as a Social Democrat, lost his position. Later he was conscripted for labor and, in the course of his work, obtained insight into the treatment of foreign workers in the Badische Anilin and Sodafabrik. There has been another mistake in the English text in the year. It says on page 55 of the English book, on the ninth line from the top, instead of 1944, 1945. To keep the record straight, I should like to correct that. It should be 1944. The witness Odenthal is at present president of the Palatinate Labor Office and an expert in labor administration. He reports that the head of the Labor Front, that was a Nazi organization, complained to the commanding general that the foreign workers were fed too well in the Ludwigshafen plant of I.G. Farben. They got more food than the German workers, and that the sanitary and hygienic conditions and all the accommodations far exceeded the normal living standard of the German workers. These people even complain because the foreign workers in the Ludwigshafen Farben Plant were spoiled, pampered as it were, that they were treated with special care and kindness. The witness also requested a report from one of his employees about the situation at Ludwigshafen and this report was so favorable that he refused to pass it on to his superior authorities so that there would be no interference from above in order to lower the conditions of the foreign workers.

Document 248 is Exhibit 148. That is a statement of Anna Neidlinger of 19 January 1948. Since 1934 the witness has been head of the plant welfare of Ludwigshafen. She speaks about the care given the female foreign workers — the kindergartens where the children of the foreign workers were admitted on the same basis as the children of the German workers in the factory. She describes details which I shall not go into now. I don't want to waste too much time. It is characteristic for the person of the defendant, Dr. Wurster, that at the moment when the normal building of the kindergarten was destroyed in an air raid,

he made his own home available for the kindergarten so that it would not have to be discontinued.

I now offer Document 173 as Exhibit 105. An affidavit of Dr. Marie Gertrud Rech-Quincke of 7 December 1947. This lady was an interpreter and was present at an inspection of the foreign labor camps of the Ludwigshafen Plant in 1944, August. The foreign visitors talked to the foreign workers without any interference, and the witness testifies that there were no important complaints.

Document 162, Exhibit 106, is especially interesting. It is the statement of a very simple man, Jakob Ottinger, of 4 November 1947. This man states that he was locked up as an anti-Nazi -- that he came before the Peoples' Court in Berlin -- he was declared unworthy to bear arms. He helped some French prisoners of war to escape. He helped some American pilots protected them from being lynched. A man who had a great deal of sympathy for the foreign workers and for everything that was against Hitler. He was conscripted to work in the factory. He was a German worker, and he sums up his opinion, and I quote -- "Among the workers of the Badische Anilin and Sodafabrik in Ludwigshafen Oppau there was a general consensus of opinion that Dr. Wurster endeavored to do everything he could for the foreign workers." He also reports that Dr. Wurster inspected the camps, checked them, and so forth.

I now come to the subject to accommodations for the foreign workers. The first document is 239, Exhibit 107. This is an affidavit of Karl Schmid of 28 January 1948. During the war the witness was deputy chief of the Economic Department of Farben at Ludwigshafen Oppau. I may remark that the actual chief died. That is why we bring an affidavit from the deputy chief, Schmid. He goes into great detail about accommodations in camps, hotels, private quarters. I refer to the affidavit. I shall not go into details now.

Document 282 will be Exhibit 108, an affidavit of a Franz Mentel, regarding building and equipment of the living camps. He finally said

that no cost or effort was spared to make these camps pleasant.

Document 283 is Exhibit 109, an affidavit of Fritz Marks of 27 January 1948. It deals with the same question.

I now come to Document 14 which will be Exhibit 110. This is a table of the number of beds and the number of persons living in the communal camps of the I. G. Farben Plant Ludwigshafen from 1 January 1942 to 31 December 1944. I shall have this chart handed up. It gives a good picture of the question just indicated. The chart shows that a scarcity of beds occurred only as a result of severe air raids and the difficulties were always done away with very quickly. They show the day of the bombardments. It shows that immediately thereafter the whole matter was taken care of and there were sufficient beds again. We wanted to give the Court a plastic impression to make the picture quite clear. Document 17, Exhibit 111, is an affidavit of Fritz Ziegler of 16 March 1948, which affirms the correctness of this table, Wurster Document 14.

Document 557 will be Exhibit 112, a proclamation of the Storage and Supply Department Ludwigshafen in the French language pointing out that all the French comrades, as it says, of Camp II are to be treated in such a way that all their wishes regarding food, accommodations, buying permits for shoes and textiles, will be fulfilled. Now I come to the question of food for the foreign workers.

Document 238, Exhibit 113. This is an affidavit which has nine attachments. There is an affidavit of Karl Schmidt whom I have already mentioned, of 25 October 1947. It shows in detail what was done to obtain a good, ample, and hygienic food supply for the foreign workers and also to comply with the national tastes. In addition to the official food rations, additional food was obtained for them. Official food charts are attached. Attachment 1 is the table of September-October 1943 -- attachment 2 is the table of June-July 1944. Also the weekly camp menus which show the actual food given to the people. I believe

I need not describe all of the attachments. An English translation of these tables about the food in the camp is included in the English books. Especially noteworthy is the fact shown that it was endeavored to give especially good meals on holidays. We have included a chart, or rather, a table.....No, I beg your pardon.

I now come to Document No. 4, Exhibit 114. I am handing in a table showing the food rations of different employment categories during the war and in 1937 as to caloric content, without consideration of additional rations for workers doing heavy and heaviest work. You can see in this table four different categories of consumers: normal consumer, consumers in camps, prisoners of war and eastern workers. Each of these four groups is subdivided into years, 1942 to 1947 in the case of the normal consumer, 1942 to 1944 in the other categories.

If you will look at the levels of the different categories, your Honors, the caloric content of the food, for prisoners of war, eastern workers, and compare that with the normal consumer of 1947 in Germany, you will have a picture which is not without interest. You would have had this impression without this comparison but I thought that this comparison was not entirely without interest; but, even without that, if you consider the caloric contents of the camp food in 1942, 1943 and 1944 of 3,000 to a little over 3,200 calories, it seems to me that these facts are so obvious that it is not necessary for me to say anything further about food to prove that the Ludwigshafen plant made the greatest effort to fulfil its human obligations, not to mention any other obligations.

In Document 310, Exhibit 115, affidavit of Carl Schmid, we have a confirmation that the facts and figures as given in Wurster Document 4, Exhibit 114, are correct.

Document 237, Exhibit 116, is an affidavit of Albert A. Huelter, of 18 October 1947. From January 1943 the witness was in charge of the kitchens and dining room of the communal billets of Ludwigshafen. He gives a detailed description of the kitchen equipment and of the measures taken to provide good, sufficient and hygienic food. He says that the chief of the Storage and Supply Department together with Dr. Wurster regularly inspected the camps and kitchens, tasted the food and, as he says verbatim, "Dr. Wurster knew no limits in caring for the workers.

Nothing was good enough for him and he was busy day and night."

I have just been told that the English text of Document 310 has been reproduced as 301. If so, I should like to correct that. The number should be 310, Exhibit 115.

I now come to 596, Exhibit 117. That is an excerpt from Prosecution Exhibit 1335, Book LXIX, Directorate meeting in Ludwigshafen of January 31, 1941. The possibility of supplying Farben plants with frozen food is discussed.

Document 555 will be Exhibit 118. It is a note of the head of the Storage and Supply Departments of Ludwigshafen of 4 February 1941 where he insists on correct and exemplary conduct of the community leaders of the Italian camp.

Document 588, Exhibit 119, is an excerpt from Prosecution Exhibit 1336, Book LXIX, Directorate meeting in Ludwigshafen on 21 August 1941. It is mentioned that 15,000 hot meals were served daily.

The next document is 518, Exhibit 120, circular letter by the head of the Storage and Supply Department who has been mentioned repeatedly. He was in charge of this whole plant. This letter is to the camp leaders and to the camp kitchens, dated 20 October 1942 in which reference is made to how the German personnel is to conduct itself when the foreigners complain about the food. He says, and I quote: "The complaining person is to get a proper portion immediately. It is not necessary to decide immediately whether the fault is on the one or on the other side but it must be seen to that the camp inmate receives his due." We have offered that to show the spirit in which this whole matter was handled.

Document 525, Exhibit 121, of 15 January 1943 — the wrong date is given in the German and English document book; it is an announcement in four languages of the storage and supply department to end the controversy about the varying daily bread rations.

Document 519, Exhibit 122, again is a circular letter of the storage and supply department to all kitchens regulating the just distribution of sugar.

Document 520, Exhibit 123, is a circular letter of the Storage and Supply Department of 21 September 1944 concerning making available of coffee in case of shortage of drinking water after air raids when the water pipes were destroyed. It was seen to that the foreign workers, if they could not get water, should get coffee as a substitute.

Document 206, Exhibit 124, is an affidavit of Susanne Habale of 13 October 1947. The witness is Czechoslovakian and from 1941 on she was employed in the kitchen of Camp I. She describes that things were decent, correct and efficient, that the German superiors checked at varying intervals.

Document 204, Exhibit 125, is an affidavit of Margarete Jozsko of 13 October 1947, another woman from Czechoslovakia. She also describes the treatment favorably, and finally she remarks that in the case of air raids the German superiors were the last to leave the kitchen.

The following documents deal with clothing for the foreign workers. Document 521 will be Exhibit 126. This is a letter of the Ludwigshafen plant to the District Economy Office, Kaiserslautern, dated 14 October 1940, in an effort to obtain working boots for foreign workers. The fact is presented which came out yesterday in the direct examination of Dr. Wurster that these workers had been employed for some time and apparently had no opportunity to get additional clothing in time. Special quotas of 1700 pairs of working and street shoes are asked for.

Document 523, Exhibit 127, is an internal circular letter of the Ludwigshafen plant from Dr. Wurster himself, of 21 October 1940, in which he asks the members of the plant to turn in all available clothing, underwear and shoes "to alleviate the most pressing needs of our foreign fellow workers."

Document 522, Exhibit 128, again is a report by Wiens, the head of the Storage and Supply Department to Dr. Wurster, dated 7 December 1940. It deals with supplying foreign employees with underwear, shoes, stockings and clothing. Wiens writes:

"Since August we have regularly obtained a considerable quantity of purchase permits for our workers and employees from foreign countries, to such an extent that the Economy Office feared that it would be to the disadvantage of the Germans if in future the foreigners were to be supplied at the same rate."

Document 565 will be Exhibit 129. This is again a report by Wiems dated 3 January 1941. It is a telegram of the Storage and Supply Department to the District Economics Office in Kaiserslautern which in strong terms demanded assignment of shoes for foreign employment.

Document 589, Exhibit 130, is an excerpt from Prosecution Exhibit 1335, Book LXIX, Directorate Meeting in Ludwigshafen 31 January 1941, stating that the wishes of the foreign employees for food can be fulfilled by assignment of about 3,000 purchase permits.

Document 524, Exhibit 131, is circular letter No. 46 of 23 October 1942, signed by Dr. Wurster concerning the plant collection of furniture for communal camps and hostels. In this appeal he again demands that equipment and decorations for the quarters be turned in. The statement is made: "Furthermore, we draw your attention to the fact that many workers from foreign countries came to Germany proper without being sufficiently provided with clothing, shoes and underwear." That is the appeal for a second clothing collection for foreign workers.

Now I come to another series of documents, the final one in this book, which deals with pay for foreign workers. Document 124, Exhibit 132, is an affidavit of Oscar Herrmann 23 September 1947. During the war the witness was chief of the Wages Accounting Office. He states that Dr. Wurster regularly asked for reports from him on the financial circumstances of the foreign workers and that Dr. Wurster repeatedly gave him strict orders to give the foreign workers the benefit of the doubt in dubious cases. He also describes Dr. Wurster's effort to help the foreign workers financially in case of damages from air raids.

Document 527, will be Exhibit 133, a circular letter of the Time Study Office of Ludwigshafen/Oppau, 31 May 1941, dealing with foreign workers to do piece work. It describes in detail how foreign workers can be helped to get these higher wages.

The next document 222, Exhibit 134, deals with the same subject, an affidavit of Goerg Hoffmann of 6 January 1948. From 1935 on the witness was a time study clerk in a mechanics workshop. He describes how gradually the foreign worker was put in a position to get to exactly the same position in regard to piecework as the Germans.

Document 221 will be Exhibit 135. This is an affidavit of Jakob Juelly of 6 January 1948. He, too, is a time study clerk and he testifies on the same subject.

Document 291, Exhibit 138, is an affidavit of Paul Weiss, also on the same subject.

Finally, Document 526, Exhibit 137, is a letter of the mayor of Mannheim to Farben dated 27 November 1940 from which can be seen that the Farben plant asked the mayor for a reduction of the civil taxes for the benefit of foreign workers.

This concludes the presentation of Document Book III. With the permission of the Tribunal, I shall now go on to Book IV. This book again deals with Count III of the indictment: Foreign Workers, first of all, series of documents dealing with care for foreign workers in case of illness.

First of all, we present Document 236, Exhibit 138, affidavit of Dr. Med. Karl Krafft, dated 28 January 1939. For many years Dr. Krafft was the head of the big medical department of the Ludwigshafen plant. He describes all the care given the sick. I don't want to repeat all that. I just want to emphasize one sentence. He says: "Without the personal assistance of Dr. Wurster, my colleagues and I would not have been able to attend to the medical requirements of the foreign workers to the extent that we actually did."

Document 218 will be Exhibit 139, an affidavit of Willi Singen dated 7 January 1948. The witness worked in the Health Fund Department of the Ludwigshafen plant. He describes the sickness rate of the foreigners and of the Germans during the war at well as the reasons for the differences. You will remember that this was discussed yesterday in direct examination.

Document 5 is to be Exhibit 140. I shall have this document handed to you. It is a table of the sickness rate of the personnel of the Ludwigshafen and Oppau plants from 1941 and/or 1942 to 12 March 1945 for foreigners and Germans separately. You will see at the top the sickness rate of foreigners, at the bottom the sickness rate of Germans, for the same periods of time. For the Germans it begins earlier. If you will observe developments with the aid of this chart, you will see at the left the percentages, horizontally the years, and you will see the facts recorded which were brought out in direct examination by Dr. Wurster.

First of all, the sickness rate of the foreigners was higher and he explained this fact but toward the end the rate among the Germans was much higher than among the foreigners which he explained yesterday under direct examination. I do not wish to go into this now. I believe the circumstances have already been explained. I merely wanted to show a chart of these facts.

Document 290, Exhibit 141, you will find, is an affidavit of Willi Singen of 12 March 1948 which identifies this Document 5.

Document 530, Exhibit 142, is a report of the camp doctor, Dr. Stoll about Camps 1, 2, 3 and 4 of 7 November 1942. He deals especially with the great attention given the foreigners in respect to medical care. I must point out that this report is dated 7 November 1942 and this is a contemporary document.

Document 531 will be Exhibit 143, a letter of Farben, Ludwigshafen,
11242

to the Reich Governor in Saarbruecken dated 31 March 1943 in which the request is made for the dispensary of the Community Camp at Rottstueckerweg to be recognized as a hospital so that the patients can receive the supplementary food rations provided for recognized hospitals. The letter shows the excellent equipment of the hospital set up by Farben for the foreign workers.

Document 526 is Exhibit 144, a file note of von Baal, dated 29 August 1941, reporting that he visited two Italians who had been wounded in an air raid, and, to their astonishment, brought them a gift from the plant administration.

Document 552, is Exhibit 145, a letter by the State Board of Health at Ludwigshafen, dated 21 January 1948, in which the State Health Office says: "The equipment of the hospital established by the I.G. plant during the war for its foreign workers was exemplary."

The next series of documents deals with religious care. Document 114, Exhibit 146, is an affidavit of the Catholic priest, Emil Fleerrhinger, in Ludwigshafen, dated 1 November 1947. The witness testified that Dr. Wurster had a memorial service for French civilian workers who were killed in an air raid and the priest says:

"This incident, insignificant in itself, shows clearly and unequivocally that the members of the Board of Directors, under the leadership of Dr. Wurster, exercised particular understanding and good will towards the civilian workers. I was, therefore, again and again able to hear only the best of reports from the civilian workers as well concerning the Board of Directors of I.G. Farben."

Finally, the witness points out that the French religious services were instituted with the knowledge of the Directors of Farben and were continued even after such services had been banned by the Reich government.

The next document, 293, has already been introduced as Exhibit 14.

13 Apr-M-FL-12-4-Primeau (Int. von Schon)

Court No. VI, Case VI

This is the language book.

Document 10, Exhibit 13, has also been introduced.

I now come to recreational activities. Document 533 will be Exhibit 147. That is a letter of Mr. Wiens of 19 June 1941 suggesting that radios be procured for the foreign workers.

Document 534, Exhibit 148, is a letter from the same man dated 30 September 1942 regarding presentation of sound films in the community camps. He also mentions the camp band which gives concerts on Saturdays and Sundays.

The next Document 536 has already been introduced as Exhibit 11. This is the annual report for 1943 showing 340 program performances.

The next document 537 will be Exhibit 149, a letter from the Department for Cultural Work in the Camps, a Department for the Ludwigshafen plant, to all leaders, dated 4 May 1944, announcing that in the big club house for the Ludwigshafen personnel there will be a request concert, the monetary proceeds of which are to go to the victims of air raids in France.

Document 8, Exhibit 12, has already been introduced.

571 is Exhibit 15. 572 is Exhibit 16, 573 is Exhibit 17. 312 is Exhibit 18.

I now come to Document 569 which will be Exhibit 150. This is a file note on the Ludwigshafen conferences of the Ludwigshafen Labor Office on 30 March 1944. "Workers cannot be dismissed for unsatisfactory work. According to the directive of the Labor Allocation Offices such workers are to be dealt with by work corrective measures."

Document 224 is Exhibit 151, an affidavit of Karl Weber of 30 January 1948, who belonged for a few weeks to the guard personnel of the so-called "Work Training Camp Ludwigshafen" and he describes the conditions. I shall merely refer to this document.

Document 263 will be Exhibit 152, an affidavit of the attorney Dr. Paul Bauer in Baden-Baden, of 2 February 1948. The witness defended three men who had guarded foreign workers in Ludwigshafen during the war and had been indicted before a French Military Tribunal, among others a man named Hochreither. All three men were acquitted. The witness does not know of any other proceedings before a Military Tribunal for incorrect treatment.

I now come to Work Protection for Foreign Workers. Document 538, Exhibit 153. This is a letter of the Industrial Inspection Board for the Palatinate to the Ludwigshafen plant, dated 19 December 1947, in which the protection of foreign workers against accidents and injury to

health at the Ludwigshafen plant is examined in detail. I quote verbatim:
"Foreign workers were not used in preference to Germans for work with a high accident rate or for work injurious to health, which is clearly borne out by accident statistics; and the working hours for the foreign workers corresponded to the arrangement of shifts for the German employees. The board of Directors, the Personnel Department, and the Security Engineers, carried out necessary measures for the protection of life and health in the correct and generous manner traditional for Badische Anilin und Sodafabrik (BASF)." I shall merely say in explanation that the Industrial Inspection Board is the state board which has to supervise and see to it that these regulations are observed.

I now come to Document 235, Exhibit 154, an affidavit of Dipl. Eng. Franz Steinhart, of 30 January 1948, who was Security Engineer of the Ludwigshafen plant in charge of accident prevention measures. I shall not go into detail.

I come now to Document 13, Exhibit 155. We have photostats of the original accident prevention regulations, and I quote: "Instructions for all workers for the prevention of injury to health and accidents, dated September 1940. These instructions were published in several languages and distributed. We shall hand them in in four languages. I believe I can be very brief here, but I may quote one sentence from the introduction which comes from the management, Dr. Hurster. This was an introduction for accident prevention to the employees. I quote: "These regulations should not be considered as laws for the violation of which punishment will be exacted! They are rules and recommendations based on many years of experience, for the sole benefit of the highest possessions of the working-man: Health and energy!"

Document 9 will be Exhibit 156, a warning sign against fire, in eight foreign languages. I shall give the Tribunal a photostat of this, too, to show as clearly as possible what the plant leader did to protect the foreign workers from any harm in the factory.

Document 9 -- a Warning against fire -- if I may go back to them once more. Eight foreign languages. These were posted in the plant.

If I am proceeding too fast for the Tribunal please say so and I shall slow down.

THE PRESIDENT: That will be all right.

DR. WARNER: Thank you.

Document 234 is to be Exhibit 157. Affidavit of Margarete Moll, of 26 January 1948, I believe this affidavit has a certain significance and a certain connection with Judge Morris' question to Dr. Burster this morning. This witness at the instigation of my client had visited the relatives of Italians who died at Ludwigshafen. He visited them in Italy in order to give them the generous care of the Ludwigshafen plant.

I come to Documents -- besides, in this, the same document, Exhibit 157, which is on pages 75 and 76, the pensions are mentioned and everything connected therewith.

Now I bring some documents which deal with prosecution Document NI-6315, Exhibit 1339, in Book 69. The first one is 227, Exhibit 158. This is the affidavit of Otto Eckert, of 29 January 1948, I mentioned this witness before as head of the Personnel Department for workers during the war in Ludwigshafen. He says that in the directorate meeting of 19 April 1943, which is referred to in prosecution Exhibit 1339, he states that the circumstances mentioned during this meeting 85% of all Eastern workers were employed as heavy and very heavy workers. He repeats what Dr. Burster testified yesterday on direct examination that the classification as heavy and very heavy workers was arranged for as many people as possible in order to get for them the appropriate food rations. As many plants as possible were called "special duty" and "acids" plants so that many workers could get the additional wages. Finally, he testified that in the first half of 1943 there was danger that Eastern workers would be taken away and sent to Lorraine to work in heavy industry there. The plant wanted to spare the Eastern workers this fate by making the statements which have been quoted by the prosecution.

I now come to Document 553 as Exhibit 159. This is a circular of the Personnel Department of Ludwigshafen of 13 April 1943, dealing with the employment of foreign workers. The letter refers to the fact that they were threatened with having to release female Eastern workers to Lorraine, and then goes on, and I quote: "All that was left for us to do was to try to prove that all our male and female Eastern workers were either assigned to heavy work or to alternating shifts and could therefore not be exchanged for German women." This circular is dated six days before the previous one so that Exhibits 158 and 159 have a causal connection. 159 is the cause of 158. I shall be very brief and therefore I shall refer to them only by number.

Document 556 is to be Exhibit 160. Another circular letter from the Personnel Department of Ludwigshafen of 3 June 1943 which announces that there is to be an inspection of the distribution of labor at the factory and then says -- which is very characteristic -- and I quote: "The authorities therefore assume that it would be possible to take a rather large number of Eastern workers from us and send them to Lorraine. The Regional Labor Office will therefore try to prove to us, with every means at its disposal, that our workers were not employed on all jobs, in a manner corresponding to the present grave shortage. The opinion of the Regional Labor Office has probably been confirmed by statements and reports which it has received concerning inadequate utilization of manpower in our plants. It is therefore requested that preparations be made to prove that the type of employment is in keeping with the established requirements." The plant leader, really, could not be more definite on this question.

I now come to --

THE PRESIDENT: Dr. Wagner, perhaps this would be a good time to recess for lunch.

(The Tribunal recessed until 1330 hours.)

AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours.)

THE MARSHAL: The Tribunal is again in session.

DR. WAGNER (for the defendant Dr. Wurster): May it please the Tribunal, I shall now continue with the submission of my documents. I shall now submit a series of documents in connection with the supervision of the Eastern workers in particular.

Document 564 will become Exhibit 161. This is a letter from Farben Ludwigshafen to the Mannheim Armament Headquarters dated 2 April 1942. The announcement is made that the employment of the Russian civilian workers begun on 29 March 1942 was very difficult in view of the organization of the Ludwigshafen plant. It says here that due to the shortage of billets additional Eastern workers cannot be taken on for the present. It further becomes apparent from the document that as early as four days after the assignment of these Russian workers, Farben Ludwigshafen points out to the authorities that payment in its present form, due to the taxes imposed upon the Eastern workers, is not in keeping with the requirements. It is then stated that the Eastern worker must be given the opportunity to "earn adequate increased wages which he will also be able to keep."

Document 591 will receive Exhibit No. 162. This is an excerpt from the minutes of the meeting of the Board of Directors at Ludwigshafen on 21 October 1942. In this directorate meeting a Mr. Schaefer, who was mentioned yesterday during the direct examination of my client, is ordered to make detailed investigations concerning the employment of Eastern workers. Various measures are mentioned which have already been taken for the improvement of the living conditions of the Eastern workers.

Document 592 is an excerpt from the minutes of a meeting of the Board of Directors conference at Ludwigshafen on 13 August 1943. It will receive Exhibit No. 163. Dr. Wurster in this meeting

expresses to Mr. Schaefer, who was in charge of the care for these Eastern workers, the special appreciation of the Board of Directors for his work as special deputy for the employment of Eastern workers. He says, in that connection, that Herr Schaefer's work has contributed mainly to the fact that next to the German personnel one can consider the Eastern workers as being among the best in the plant. This was due to the pleasant atmosphere which had been radiated as the result of their favorable treatment.

Document 226 will receive Exhibit No. 164. This is an affidavit of Mr. Kurt Schaefer, whom I have repeatedly mentioned, dated 1 February 1948. This is the witness of whom Mr. Wurster said that he spoke Russian fluently. He describes his activities as the man in charge of Eastern workers at Ludwigshafen. He describes the great difficulties which had to be surmounted and the efforts of Dr. Wurster on the one hand to alleviate the at first very harsh government regulations for Eastern workers, and on the other hand his untiring efforts to enable the Eastern workers to live a decent life within the scope of regulations and sometimes even in violation of regulations. .

Document 122 will become Exhibit 165. This is an affidavit of Oskar Hermann dated 23 September 1947. This witness was head of the Wage Account Department for all workers including the foreign workers in Ludwigshafen. He describes in detail the efforts of Dr. Wurster to improve the financial position of the Eastern workers in spite of the oppressing government regulations.

Document 144 will become Exhibit 166. This is an affidavit dated 21 November 1947 by Eugen Minzenmay. I have already mentioned this document once before. He was the director of the Labor Office in Ludwigshafen. He states that Dr. Wurster, more emphatically than any other plant leader, again and again demanded that the Eastern workers receive the same net pay as other foreign workers.

Document 590 will receive Exhibit No. 167. This is an excerpt from Prosecution Exhibit 1339. It is a meeting of the Board of Directors in Ludwigshafen on 19 April 1943. I am submitting this document for identification. The new legal directives for the payment of Eastern workers are announced. Those present at the plant meeting are not satisfied with the practical results. It is therefore decided that new steps will be taken.

Document 511 will become Exhibit 168. This is a letter from the Secret State Police at Saarbruecken dated 26 August 1942. In the document books it says "26 January". This is incorrect. It should read "26 August". The letter is directed to the plant leader of the Farben plant at Ludwigshafen concerning the employment of Eastern workers. This letter reprimands Dr. Wurster and among these reprimands is the fact that the camp for Eastern workers is only partly surrounded by a fence. These gentlemen should like to give orders demanding the immediate elimination of the offenses mentioned and notification that the necessary changes have been made.

The following Document 240 will become Exhibit 169. This is an affidavit of Heinrich Faller dated 30 January 1948. This witness was the head of the plant guards at Ludwigshafen. He states that the plant administration in spite of the reprimand by the Gestapo, according to Wurster Document 511, had not changed prevailing conditions in any way because it was determined, and I quote: "...to avoid as far as possible the harsh regulations of the Gestapo concerning the treatment of Eastern workers."

With respect to these questions I should like to draw the attention of the Tribunal to the fact that this letter by the Secret State Police dated 26 August 1942, Exhibit 168, precedes by a few days the Board of Directors meeting at Ludwigshafen of 1 September 1942 about which Prosecution Exhibit 2117 speaks, which has been submitted into evidence yesterday.

I shall now turn to Document 529 which will become Exhibit

170. This is an inquiry directed by the Ludwigshafen Labor Office to the Farben plant at Ludwigshafen of 4 December 1942, and also the answer from the Farben plant of 8 December 1942 concerning the treatment of pregnant Eastern workers. The letter shows that long before the governmental authorities had concerned themselves with the problem the Farben plant had made special arrangements for the female Eastern Workers about to undergo confinement. In addition, the correspondence shows that there was a Kindergarten for the children of Eastern workers, and there was a Kindergarten teacher for these children, as well as a school.

Document 213 will become Exhibit 171. This is an affidavit of Ludwig Zbell dated 23 October 1947. The witness had been a Slovakian soldier who had come to work at the Farben plant in Ludwigshafen in 1940. In 1943 and 1944 he worked in the kitchen of the camp for Eastern workers. He states that the kitchen at this camp was the nicest kitchen in all the community camps. He deals with a number of other details which I don't have to mention now.

Document 535 will become Exhibit 172. This is a letter by the head of the camp for Eastern workers to the Economic Department at Ludwigshafen on 5 September 1942 concerning arrangements for recreational activities for the Eastern workers. It is mentioned that there was a youth group, a dance group, a dramatic group, a chess group, a singers' group, etc.

Document 532 will become Exhibit 173. As a contemporaneous document we are submitting the program at the camp for Eastern workers for the Christmas and New Year's holidays for 1943. Among other things, this program lists two religious gatherings, three concerts, two plays, and a distribution of Christmas gifts on 24 December 1943.

Document 514 will become Exhibit 174. This is a letter from the Farben Plant Ludwigshafen to the Reich Commissioner for Labor Allocation dated 7 November 1942. The letter shows that the Plant Administration at Ludwigshafen was planning to arrange for a camp newspaper for the Eastern workers, in the same way as for the inhabitants of the other camps, but that this plan had met with the opposition of the Gestapo authorities, primarily due to an article concerning the children born in the camp. The Reich Commissioner for Labor Allocation is requested to intervene with higher Gestapo authorities, in order to make that plan possible.

The next document, 15, is already in evidence as Exhibit 10.

This concludes Book 4. May I, perhaps, ask the Tribunal whether, on page 86 of Book 4, a supplemental page had been delivered to the Tribunal, because originally that was a wrong page.

THE PRESIDENT: I am not sure, Dr. Wagner, that I know about what you refer to.

DR. WAGNER: This is Document 564, your Honor.

THE PRESIDENT: There is a document....

DR. WAGNER: Exhibit 161---Exhibit 161. This is a letter by Farben-Ludwigshafen to the Headquarters Mannheim Armament District, dated 30 March 1942.

THE PRESIDENT: That page is in our book.

DR. WAGNER: Thank you, Mr. President. I shall permit myself to continue now with the submission of Document Book IV-A. This book contains statements of foreign workers about the treatment afforded them at the Farben Plant Ludwigshafen-Oppau. It is the Book IV-A.

The first document in this book is Document 105, which will become Exhibit 175. It is an affidavit of the French physician Charles Berthel, of 7 December 1947. This French physician was working as a physician at the City Hospital-Ludwigshafen from 1943 on. He was conscripted there. He states that he had to treat French

Prisoners of War as well as French civilian workers and civilian workers of other nationalities. He says that the patients were treated in the most speedy manner and that at no time did any complaints come from the patients about their treatment at the Farben Plant of Ludwigshafen. Such complaints did not even come from his own fellow citizens. He finally says, and I quote: "The foreign patients received the same treatment as the German patients, although that was often not in accordance with official regulations."

Document 251 will become Exhibit 176. This is an affidavit of the French officer, Fred Engel of 16 January 1948. The witness was employed at the Farben Plant Ludwigshafen in 1942 and states in detail what his impressions and observations were at the plant. Among other things he states, and I shall quote him in his French original: "The treatment of the French workers was correct in every respect." Then he tells particulars about the living conditions of his countrymen during the war.

Document 125 will become Exhibit 177. This is an affidavit of the Frenchman Fernand Heymann of 3 December 1947. This witness worked at the Farben Plant Ludwigshafen from 1941 until 1945. During all this time he lived privately, in the town. He worked together with other Frenchmen and Russians and, among other matters, he states, and I quote: "We never had to complain about the treatment, which was exactly that of the Germans. I have never ascertained a mistreatment, either of prisoners or civilian workers. We and the Germans did the same work and we worked in teams with them. During the air-raid warnings we went together to the shelters. The factory really did everything possible and put us on the same level as the German workers."

Document 106 will become Exhibit 178. This is an affidavit of the Yugoslav, Ivan Bodovic, of 16 May 1947. He says that in 1941 he reported voluntarily for work in Germany and that he went to the Farben Plant Ludwigshafen, where he was voluntarily active until the

Document 268 will become Exhibit 182. This is an affidavit of the Roumanian national, Gerhard Kenzel, of 4 March 1948. He was active in the Economic Department, on problems of clothing, and tells of his observations.

Document 270 will become Exhibit 183. This is an affidavit of the Polish national, Josef Chudzik, of 8 March 1948. He is also one of these old workers of Polish nationality who was at the plant from 1911 on. He was there originally as a worker and he became a foreman in 1932. He said that he was treated in the same way as every other German national and that he was not inconvenienced in any way whatsoever.

I shall submit now a number of affidavits of members of the Plant Ludwigshafen who had received letters of appreciation from former foreign workers of the Ludwigshafen Plant. Some of these people make observations of their own experiences there. These are mostly French, Belgian, and Dutch workers.

MR. SPEECHER: Perhaps, Mr. President, if the Prosecution indicates a general remark - makes a general objection to these affidavits at this time, we can avoid making single objections, and whatever your Honors feel with respect to the first document can stand with respect to all of them, without any further action on our part. If you will look at....

THE PRESIDENT: Just a moment. We are likely to have a lapse in the record because there is no document mentioned on the record. Let Dr. Wagner make his first offer and then make your objection, Mr. Sprecher, because he has not even mentioned a document. He says "the next group of documents" and that won't identify them in the transcript.

MR. SPEECHER: They have a heading over them. I wanted to....

THE PRESIDENT: Well, that won't be on the record anyway. Let Dr. Wagner make his first offer of his documents and then we can apply it to the succeeding ones, if that is proper.

DR. WAGNER: Perhaps it would be advisable, your Honor, in order that you may evaluate these objections, if I offered each document individually

and point out what it contains. Then you will be able to decide very quickly and I do not think we shall have any difficulties.

MR. SPRECHER: I think that is exactly what my first motion was intended to obviate what the proper procedure would be, and that is before Counsel runs through and puts them all ...

THE PRESIDENT: Yes, very well. We have no objection to that, but there is no document mentioned to the Tribunal yet. Let Dr. Wagner make his first offer and then we will hear you, Mr. Sprecher.

MR. WAGNER: I shall now offer Document 182, as Exhibit 184. This is an affidavit of Dr. Walter Spormann, of 21 November 1947, with a letter from the French worker Le Breton, of 23 May 1947.

THE PRESIDENT: Now we will allow Mr. Sprecher to make his objection.

MR. SPRECHER: My objection applies, your Honors, to the documents beginning with Exhibit 184, for identification, and runs through this entire page and the next page, at least so far as I can tell from having gone through them. That is a total of 14 documents. Now, if your Honors will look at page 26, you will see the manner in which the first document by Spormann was created. He said in May of this year, that is, after the Indictment in this case was filed, he wrote to some of the higher French workers and then he got some kind of a reply in a letter to them. These are not contemporaneous letters. They are not under oath; they are letters exchanged between Germans, or in most cases at the plant, with respect to some French workers with whom they had relations during the time in question. They are not under oath. I think it adds very little and I do not think any of these documents have the quality required. I only wanted to say that I do not suppose there would be much question about merely introducing the letters by themselves according to the prior rulings of this Tribunal and it does not seem to me that this means of making an affidavit by somebody who received a letter in the mail adds one whit to the standards that have been entertained with respect to this matter.

DR. WAGNER: Your Honors....

THE PRESIDENT: We will hear you in a moment.

DR. WAGNER: I beg your pardon.

THE PRESIDENT: Now we will hear you, Dr. Wagner.

DR. WAGNER: Your Honor, may I make some remark at this point? I do not know whether any of my remarks will influence your decision but I think that the objection lacks something very essential. All these affidavits are considered by the Prosecution as falling into one category but as a matter of fact they are very different. I shall cite a typical example of an affidavit which I will submit now. That is the affidavit Document 191, which I shall submit as Exhibit 185. That is an affidavit of Adolf Wagnann, of 21 November 1947. You will find that affidavit on page 36. This Wagnann, for instance, writes, and I quote: "The foreign workers employed with us were all well treated and, according to what they told me and my comrades, were satisfactorily billeted and fed." And then, with respect to a certain French worker, Monsieur Galpin, he says the following: "Monsieur Galpin was employed at Ludwigshafen for about 38 months. I often invited Monsieur Galpin to my flat. He gladly accepted these invitations and was a frequent guest at my house. Thus I remember very well that he spent at least two successive Christmases with my family. As I lived somewhat away from the plant he even made contact through me with French Prisoners of War and when he came back from his leave in France he brought one of the other a parcel from France." This is merely an example. That this affidavit is admissible and has probative value is, I think, a matter of course. That is why, your Honor it is impossible to decide that from top to bottom, all affidavits are inadmissible. One has to take into consideration every single affidavit because these affidavits are divided into two basically different groups. One moment, Counsel for the Prosecution. (To Mr. Sprecher, who had endeavored to interrupt.)

One group consists of testimonies of affiants who are reporting on their own, their own observations, and, at the same time, refer to letters which they received. The other group shows merely the letters in the form of affidavits. I assume that Counsel for the Prosecution is referring to this latter group, and because I assume that, I ask the indulgence of the Tribunal to make one more remark.

The Defense has already pointed out at an earlier stage that, with respect to testimonies of workers residing abroad, they are in an extremely difficult situation because: One, they cannot get a passport as Germans to travel abroad. Secondly, even if they did receive such a passport, they would not receive foreign currency because they can hardly do anything with their bankrupt mark in foreign countries.

We have explained earlier, that the Defense is in an emergency situation with respect to their evidential material, and with respect to that point as compared to the Prosecution, who have a huge staff with all sorts of equipment and personnel at their disposal, they are at a great disadvantage.

One more . . .

THE PRESIDENT: You might, Counsel, talk yourself out of a very favorable ruling.

Pardon me, I may say to you that the Tribunal has definitely made up its mind as to the ruling to be made on this argument, and I cannot encourage you to believe that arguing it further would help to change our minds. In the first place, in these affidavits which we have glanced over, it is apparent that the affiants themselves make some statements as to their own connection with the plant, and their own experiences which, clearly, would be admissible. That part of it, I take it, would not be the subject of any argument between you gentlemen. But, in the course of most, if not all, of the affidavits to which Mr. Sprecher directed his remarks, it is

disclosed that the authors of the affidavits corresponded with persons in other countries, and has received letters from them which are quoted and set out. In the main, the letters seem to be of a complimentary nature with respect to the treatment that the writers of the letters received while in the camp.

Now, the Tribunal is of the opinion that the fact that former inmates of these camps have voluntarily written commendatory letters with respect to the treatment that was accorded them while they were in the camp, can be shown. But, so far as the probative value of the contents of the letter, the statements of facts contained in the letters, that is a different matter, and would be a collateral issue, and you have before you now, if those letters were admitted as establishing the facts contained in the letter, the setting up of an issue that the Prosecution would have a right to meet.

Now we shall admit these documents referred to in the Prosecution's objection for what the affiants themselves say about their own personal experiences and observations while they were inmates in the camp.

We shall admit them for the further purpose of showing that other former inmates have voluntarily expressed themselves as having been well treated, to the affiant, but, as to the facts contained in the letters, as facts, we shall not create a collateral issue by admitting them for that purpose so as to open the door to a prolonging of the trial to try what we might call side issues.

Now, with those reservations, the affidavits referred to will be admitted and the objection of the Prosecution is overruled in part, and sustained in part, along the line that I have tried to indicate in this ruling.

DR. WAGNER: We have offered all the documents in the very same way as the Tribunal has accepted them. I shall now proceed to submit these documents. Document 182 is already in evidence as Exhibit 184. Document 181 will become exhibit 186. This is an affidavit

of Heinrich Simon.

THE PRESIDENT: I'm sorry, Dr. Wagner. That is 185, I believe.

DR. WAGNER: No, I have offered already Document 191 as 185.

THE PRESIDENT: I remember that matter. Then Document 181 is 186. Alright.

DR. WAGNER: Document 111 will become exhibit 187. That is an affidavit of Hans Eichert, of 21 November 1947, about letters from a French worker, Renadier, of 13 May 1946.

THE PRESIDENT: I think, Dr. Wagner, in view of the fact that we have been spending some time on these letters, that it is not necessary to comment on these letters.

DR. WAGNER: No, I will not. I haven't the intention to comment on them.

Document 266 will become exhibit 188. It is an affidavit of Hermann Will, from 3 March 1948, enclosing a letter by a Belgian worker. Document 193 will become exhibit 189. It is an affidavit of Dr. Walter Wasly, dated 21 November 1947, enclosing a letter from a French worker. Document 267 will be exhibit 190. It is an affidavit of Heinrich Muenz, dated 4 March 1948, with a letter from a Belgian national. Document 269 will become exhibit 191. That is an affidavit of Dr. Lothar Lorenz and Dr. Walter Daniel, dated 4 March 1948, with letter from a French National.

Document 277 will become exhibit 192. That is an affidavit of Dr. Barnhard Timm of 3 March 1948, with a letter from a French worker. Document 278 will become exhibit 193. That is an affidavit of Dr. Wolf Sistig, dated 3 March 1948, with letter from a French worker. Document 279 will become exhibit 194. This is an affidavit of Dr. Josef Hangstenberg, dated 3 March 1948, with letter from a French worker. Document 280 will become exhibit 195. This is an affidavit of the same affiant, bearing the same date, with a letter

from a French worker. Document 281 will become exhibit 196, an affidavit of the same affiant, dated 3 March 1948, with a letter from another French worker. Document 285 will become exhibit 197. It is an affidavit from Dr. Fritz Muller, dated 3 March, 1948, with letter from a French worker.

I have now concluded Book IV-A. I shall now turn to Book V, which will be submitted by my associate, Dr. Heintzeler.

THE PRESIDENT: The ruling that the Tribunal made a few moments ago was made before the documents to which it applied had been assigned exhibit numbers. We shall just state for the record that the ruling last made by the Tribunal with respect to the Defendants' exhibit 184, will likewise apply to exhibit 184 to 197, both inclusive.

DR. HEINTZELER: Dr. Heintzeler, Counsel for the Defendant, Dr. Wurster.

May it please the Tribunal, the documents in Document Book V for Dr. Wurster, are in connection with the employment of prisoners-of-war at the Ludwigshafen-Oppau plant. In order to shorten the explanation of the individual documents, I may remark that the submission of these documents has a dual purpose.

Firstly, these documents are to show that the testimony of the Prosecution witness, Marcel Grenot, is incorrect in decisive points. They are to challenge the credibility of that witness. On the other hand, this affidavit is to support the testimony made by Dr. Wurster as a witness on his own behalf, and the testimony made by the witness Vljacic yesterday before this Tribunal with respect to prisoners of war at Ludwigshafen.

I shall forego the submission of the document 195, since the affiant has testified here yesterday as a witness.

For the record, I shall refer to Document 125 as exhibit 177, which was the affidavit of the Frenchman, Ehmann, Book IV-A, Page 7. In this affidavit, the affiant also states that he never

heard about any improper treatment of prisoners at the Ludwigshafen plant.

Document 203 I am offering as exhibit 198. This is an affidavit of the farmer, Hubert Berdel, dated 29 January 1948. The witness was employed as a guard in Work Detail 1000-B at the Farben plant, Ludwigshafen, as a member of the Wehrmacht. He describes his observations during his lengthy presence at Camp V. Document 217 I am offering as exhibit 199. This is an affidavit of Johan Schoenung, a painter, of 28 January 1948. The witness was, from 1941 to 1945, employed as a medical attendant with the work detail 1000-B, Camp V, as a member of the Wehrmacht. He also describes his experiences from that time. I should like to point out, that on page 13 of the English document book, the date is incorrect. The witness, as it says in the English book, was assigned to work detail 1000-B in March, 1944. It should read March, 1941.

The next three documents are affidavits of foremen of workmen of the Electrotechnical Workshop in Oppau, where Grenot was employed. These affiants discuss the treatment of prisoners-of-war generally, and, in some respects, voice their opinion on Grenot's testimony. Document 219 will become exhibit 200. I should like to draw your attention to the fact that in the index there is a serious printing error which changes the document from a document in favor of the defendant to a document incriminating the defendant. The index should read that the prisoners went to work between 7:15 to 7:30 in the morning, and left the premises between 17:00 and 17:15. The English text says that the workers left at 7:00 or 7:15 in the evening. There is a similar mistake on page 22 of that document. Document 159 is offered as exhibit 201. This is an affidavit of the assistant mechanic in the electrotechnical workshop, dated 28 October 1947. The Document 216 is offered as exhibit 202. This is the affidavit of the assistant master craftsman, Richard Klohr, of 29 October 1947.

Document 544 will become exhibit 203. This is documentary proof of the emergency situation of the Defense, which was mentioned by Dr. Wagner. The next document, 542, is already in evidence as exhibit 145. This was submitted when the Document Book IV was put in evidence. The exhibit 145 is again mentioned in this connection, because it is stated therein that during the war, only the municipal hospital of Ludwigshafen was responsible for treatment of Prisoners-of-war. Document 551 will become exhibit 204. This document is correspondence between the Ludwigshafen plant and the Municipal Hospital, Ludwigshafen. According to this, the hospital was exclusively responsible for the medical care of the Prisoners-of-war, and it is shown that the Health Office, Ludwigshafen, did not know that a French Prisoner-of-War who was allegedly shot at the plant and transferred to the hospital had later died.

Document 256 will become exhibit 206. This is an affidavit of Dr. Fritz Mueller, dated 6 February 1948. In 1944, he states, that after a thorough investigation, he found no record of the case mentioned by the witness Grenot, according to which a French worker was shot. The same purpose is served by Document 230, which will become Exhibit 206. This is an affidavit of the safety engineer, Wilhelm Daniel, who was responsible for the Oppau plant, and also an affidavit of the engineer Steinhart, who was responsible for Ludwigshafen, These two people....

THE PRESIDENT: Your document 230 you announced as 206. I think you mean 207.

MR. SPRECHER: I think I made the same mistake, your Honor. If you will go to the top of the page, Document 552. That was already in evidence as 145.

THE PRESIDENT: We had 542 as in evidence as 145.

DR. HEINTZELER: May I repeat the documents on that page?

THE PRESIDENT: On that page, if you please.

DR. HEINTZELER: Document 542 is in evidence as Exhibit 520.

THE PRESIDENT: Thank you.

DR. HEINTZEIER: 552 is in evidence as exhibit 145; 551 will become exhibit 204; 256 will become exhibit 205; 230 will become exhibit 206.

THE PRESIDENT: Thank you. That straightens everything out now.

DR. HEINTZEIER: The next document, 257, I shall offer as exhibit 207. This is an affidavit of the Chief of the Factory Book-keeping Office, Josef Mair, and the chief Air-raid Warden, Dr. Mueller. This affidavit refers to the statement made by the witness Granot, according to which the Ludwigshafen plant had hardly any damage by air raids before 26 July 1944. The witness stated that up to that date, 34 air raids had already been made on the plant, causing damage amounting to approximately 90,000,000 Marks.

The next document, 249, is offered as exhibit 208. This is an affidavit of the Czech foreign laborer, Johann Latzo, of 8 January 1948. This Czech national was entrusted with the supervision of the kitchens in the prisoner-of-war camp next to the Farben plant, and he describes his experiences from that time. I now point out that on page 51, at the beginning of paragraph 1 of this affidavit, there is a printing mistake which distorts the sense of the document. The witness was at the plant not since 1945, but since 1941, as a foreign worker. Document 12 is already in evidence as exhibit 19. Document 541 I shall offer as exhibit 209. It is a letter from the personnel department, Ludwigshafen, addressed to the chief of the guards of the prisoners-of-war. The letter concerns the endeavors which were made to give the prisoners-of-war a weekly bath at the plant. That was a time when the bath installations at the prisoner-of-war camp had not been completed.

The next two documents deal with efforts to make payments to the prisoners-of-war. Document 545 will be offered as exhibit 210. This is a circular letter dated 1 November 1941, from the

personnel department, Ludwigshafen. Document 123 will become exhibit 211. This is an affidavit of Oskar Hermann, who, during the war, was chief of the pay-office of the Ludwigshafen plant. He describes the efforts made for making payments to the prisoners-of-war. Document 233 will become exhibit 212. This is an affidavit of Otto Eckert, of 29 January 1948. The witness was a Chief of the Personnel Department of the Ludwigshafen plant, and he states that the foreign workers and prisoners-of-war, during the war, worked the same hours as German workers employed on the same type of job.

The next two documents are to show that the employment at the Ludwigshafen plant could not be considered dangerous. The document 229, will become exhibit 213. Document 228 I offer as Exhibit 214. Document 189 will become exhibit 215. This is an affidavit of Karl Trauthwein, of November 20, 1947. The witness states that in the summer of 1943, Dr. Wurster asked him for church support in order to establish church services for French and Polish prisoners in Camp V. Document 242 I shall offer as Exhibit 216. This is an affidavit of Dr. Fritz Mueller, the chief air raid warden, who describes, in this certificate, how, in September 1944, upon the initiative of Dr. Wurster, an American airman, who had bailed out, had been helpfully treated at the plant, although, at that time, official propaganda was already heading toward the other direction.

He also mentions the helpfulness with which two wounded Americans were treated in the plant in March, 1945, before the occupation of Ludwigshafen.

The next two documents are in connection with a Polish national Kolasa, who was active at the Ludwigshafen plant as a Polish prisoner of war. Document 212 will become Exhibit 217. On the 27th of October 1947 this witness made a statement about his activity in the electrical plant of Ludwigshafen from March 1942 up to March 1945.

The next and last document of that volume, Document No. 210 will become Exhibit 218. This contains an affidavit by Anton Jesberger, who was a foreman in the electrical plant of Ludwigshafen. He states that because of his extra-ordinary efficiency he had gone as far as making the Polish prisoner of war Kolosa a group leader of the work detail consisting of 4 - 6 men during the war.

That concludes the presentation of documents in connection with the prisoner of war subject. Dr. Wagner will submit documents contained in Book 6.

THE PRESIDENT: This would be a good place for us to advise you, Dr. Heintzeler, that we have now received your corrected document 249 which is to be inserted in your Book 1 at page 72 and 72A. Dr. Wagner asked about it a little while ago. It has since been delivered. We now have it.

DR. WAGNER (Counsel for defendant Wurster): In Book 6 there are contained a number of documents which are in connection with the Degesch complex. I shall submit Document 201 as Exhibit 219. This is an affidavit of Dr. Theo Goldschmidt, the general director of the Theo Goldschmidt A.G. dated 2 January, 1948. The Theo Goldschmidt A.G. has a 15% interest in the Degesch since 1930. The affiant states that the technical cooperation of the Ludwigshafen plant and the Degesch pertained mainly to Ethyl-Oxide, Calcid, and Ventox, whereas in the field of Zyklon there were no close connections between Ludwigshafen and the Degesch. The affiant continues to describe that in 1930 Dr. Schumann, who was in charge of Calcid production at Ludwigshafen, was appointed to the Verwaltungsrat of Degesch in 1930, and that after he was pensioned he was succeeded by Dr. Wurster. Finally, he

says that the Administrative Council meeting of 19 June 1940, at which Dr. Wurster was elected, was the only such meeting that took place during the war.

Document 548 I shall offer as Exhibit 220. This is a file note of Dr. Wurster's of 28 June 1940 about the shareholders meeting and Administrative Council meeting of the Degesch on 19 June 1940, with a brief statement of the personnel changes made with respect to the business management and Administrative Committee of the Degesch.

Your Honors, you will remember that yesterday, during direct examination, my client already made reference to this file note, and he quoted it. It is, therefore, not necessary for me to go into it once more.

Document 244 will become Exhibit 221. This is an affidavit of Dr. Pfannmueller, since 1938 the head of the Inorganic Section of Ludwigshafen. The affiant states that Ludwigshafen did not work in any way with the Degesch on Zyklon before the collapse. Upon Mr. Wurster's request the affiant represented the Ludwigshafen plant at the shareholders' meeting of Degesch on 4 September 1942. That, too, was already mentioned on direct examination and Dr. Wurster has given his point of view on it.

I shall be very brief with respect to all Degesch documents because these are only supplemental documents to the questions already discussed. I shall now discuss Document 232, which become Exhibit 222. This is an affidavit of Konrad Gabel dated 5 January 1948. Until the 30th of June, 1946, the affiant was a plant leader in Calcidproduction at the Ludwigshafen plant and was constantly in contact with the Degesch concerning Calcid from 1930 until 1945. In this position he never heard a reference or hint of any kind that Zyklon was being used for any abnormal purposes.

Document 298 will become Exhibit 223. This is an affidavit of Dr. Wolfgang Buelow dated 15 March 1948. The affiant has been since 1940 director of the section of the Ludwigshafen plant that prepared the insecticides that had an organic base. (This section was not subordinate to Dr. Wurster in technical matters, and had nothing to do with him).

The affiant occasionally had contact with people from Degesch during World War Two. He makes similar statements as the affiant in Exhibit 222. He also offers his personal opinion to the effect that he considers it to be entirely out of the question that Dr. Wurster had any idea whatsoever of these matters which are charged here.

Document 294 will become Exhibit 224. This is an affidavit of Dr. Wilhelm Pfannmueller, the head of the Inorganic Section at Ludwigshafen, and also an affidavit of Dr. Wolfgang Buelow, head of the L.K. Department, and of Hans Morgenthauer, private secretary of Wurster, through whom all of Dr. Wurster's mail had to go since 1938. These three affiants tell what reports the Ludwigshafen plant and Dr. Wurster received during the second World War concerning the Zyklon business of the Degesch. Business or other reports of the Testa or the Heli were never received. Furthermore, Ludwigshafen and Dr. Wurster received only the official annual reports of the Degesch about Zyklon, about the production of which the last report received before the collapse is the one of 1942. The monthly turnover report of the Degesch never came to Ludwigshafen.

Document 231 will become Exhibit 225. This is an affidavit of Dr. Fritz Mueller, who during the war was the head of the plant air raid protection service. He states that he collected the pamphlets dropped by Allied fliers during the war, but did not find any among them that mentioned mass murders of Jews in the Auschwitz concentration camps or any other concentration camps, or the gassing of Jews in general. The affiant learned of these things only after the collapse.

Document 253 is offered as Exhibit 226. This is an affidavit of Dr. Bernhard Cyriax dated 28 January 1948. The affiant is a chemist at the Ludwigshafen plant and was an interpreter for the Military Government after the collapse in 1945. During this period he lived with Dr. Wurster for many months. He shows by quoting various incidents the shock which was experienced by Dr. Wurster by the revelation of the conditions and happenings in the concentration camps. He says, and I quote: "Dr. Wurster impressed me at that time as a man who was deeply shaken by a terrible truth of which he had

been utterly ignorant up to that moment."

Document 297 will become Exhibit 227. This is an affidavit of Karl von Heider dated 27 March 1947. This affiant was the head of a sales department of I.G. in Frankfurt on Main. He had known Dr. Wurster for many years when he collaborated with him, and he was regularly in contact with Dr. Wurster. He confirms that neither he nor Dr. Wurster had any knowledge before the collapse of mass killings with Zyklon, and he expressed his personal firm conviction that he was absolutely sure that in view of the whole personality of Dr. Wurster he had no inkling of the mass murders in the concentration camps. He said that he would never have given his tacit assent.

That concludes this point, and I shall now turn to the next part of my document presentation. This concerns the judgment of Dr. Wurster by representatives of the Evangelical and Catholic churches. Document 272 will become Exhibit 228. This is an affidavit of Dr. Weber, the pastor of the Christ Church in Mannheim, dated 5 March 1948. I may point out that this part of the Evangelical church is the one church which was disliked by the National Socialist government because it did not like to subjugate itself to the dictatorship of the Third Reich. That particularly applied to Dr. Weber. He was strictly checked by the Gestapo, but when he heard that an indictment was filed against Dr. Wurster, he voluntarily wrote a letter to Dr. Wurster's wife. In his affidavit he states his judgment of Dr. Wurster. I refer you to the affidavit concerning any details of his statement.

THE PRESIDENT: It is time for our recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. WAGNER: Dr. Wagner for Wurster. With the permission of the Tribunal I will continue with Document 171, Exhibit 229, a petition of the Protestant Deacon's office in Ludwigshafen, dated 26 June 1947 to the French Administration of the Ludwigshafen Plant, with the request that Dr. Wurster be allowed to remain in charge of the Plants.

I need not go into details. It contains an opinion from the point of view of church circles.

The next document, 172, will be Exhibit 230, which is another petition of the Protestant District Church Council of the Palatinate to the French Administration dated 26 June 1947. It also contains an opinion on Dr. Wurster on the point of view of this Protestant Church group.

Document 190 will be Exhibit 231, the testimony of the prelate Monsignor Walzer of Ludwigshafen, dated 25 June, 1947, with acknowledgment from the Catholic Episcopal Vicarage General in Speyer, of the same date. Monsignor Walzer gives an opinion of the personality of Dr. Wurster and states that he had the esteem of Ludwigshafen.

Document 167 will be Exhibit 232, an affidavit of 5 Catholic priests of Ludwigshafen, giving an opinion on Dr. Wurster.

Document 273 will be Exhibit 233, this is an affidavit of the Priest and Dean, Johannes Finck, dated 10 February, 1948, mentioning especially the aid given by the Ludwigshafen Plant to the Catholic Community.

Document 301, will be Exhibit 234, an affidavit of the Protestant Pastor Knecht as Deputy Dean for the city of Ludwigshafen, on the contributions of the Ludwigshafen-Farben Plant for charitable and church purposes, with an opinion on Dr. Wurster.

Now I go on to some documents giving examples of the way in which Dr. Wurster aided racially persecuted persons, - particularly Jews.

Document 149 will be Exhibit 235. That is the affidavit of Hans Morgenthauer who has been mentioned repeatedly.

He describes how Dr. Wurster was an opponent of Anti-Semitism and always judged people according to their worth, without regard to race, religion or party affiliations. He describes Dr. Wurster's indignation at the excesses against the Jews on the 11th of November, 1938.

Document 112, will be Exhibit 236. This is an affidavit of Max Falkenberg. This affiant is a Jew, and since 1921 had worked as Construction Engineer for the Ludwigshafen Plant. He describes what Dr. Wurster did for him, which is best shown in his own words. He expresses his appreciation of the generosity of Dr. Wurster, and says finally, "What I am thinking of in this regard is not even so much the material, but rather the immense moral aid that was rendered to me during this hard time on the part of the plant management and which gave me and my wife the strength to bear up during this time.

Document 274 will be Exhibit 237. It is an affidavit of another Jewish employee of the Ludwigshafen Plant, Horst Jacoby. Since 1920 this affiant had been an architect in the service of the Ludwigshafen Plant, and he describes in detail the generous way in which Dr. Wurster, as Plant Leader helped him, a Jew, and speaks in a similar way as to what has been said by the affiant Falkenberg, saying that the thing he was most grateful for was the written and oral expression of friendly treatment which was granted to him at all times. Therefore after the occupation of the Plant by the Americans he immediately visited Dr. Wurster in Frankfurt to thank him for all he had done for him and his family in the critical days of the Nazi Regime.

THE PRESIDENT: Dr. Wagner, we do not want to place you in the position of having to rush through the balance of your documents, but we have a little problem. Dr. Kuehne expects to take the witness stand

after you are through. He is not well and he needs to go for some treatment, and we are particularly anxious to accommodate him, to let him conclude his testimony this afternoon.

Would you mind suspending temporarily until we could take care of that matter and then go back and finish your documents?

DR. WAGNER: I think it will be sufficient if I could continue perhaps for half an hour. In the half hour, I think, everything would be finished.

THE PRESIDENT: Dr. Lammert, would that give you sufficient time? That will give you 45 minutes---no, I am sorry. Today we expect to recess at four-thirty. That would only give 30 minutes. How much time will you need, Dr. Lammert?

DR. WAGNER: Mr. President perhaps I may be finished in 20 minutes. I will be very brief.

DR. LAMMERT: Mr. President, I need only about half an hour.

THE PRESIDENT: Very well, You gentlemen understand the problem and we will appreciate your cooperation.

DR. WAGNER: I now come to another series of documents which I shall present very rapidly. These are further affidavits of persons who were persecuted, and whom Dr. Wurster helped.

Document 176, Exhibit 238 is an affidavit of Hans Schellenberg; Document 116, Exhibit 239, affidavit of Dr. Fritz Fried.

Document 104, will be Exhibit 240, affidavit of Dr. Bergmann.

Document 184, Exhibit 241, affidavit of Franz Steinhardt.

Document 136, Exhibit 242, affidavit of Dr. Hermann Leuchs.

Document 122, Exhibit 243, Affidavit of Dr. Max Herbst.

Document 252, Exhibit 244, Affidavit of Ernst Keller, This affiant worked for the Farben Plant at Ludwigshafen since 1927 and is at present head of the Personal Department of University Graduates.

He describes the support Dr. Wurster gave to racial persecutees

13 April-A-11J-23-4-Stewart (von Schon)
Court 6, Case 6

in the Third Reich. He has prepared a chart, and I believe this Chart would be very interesting to the Tribunal to indicate what enormous aid was given to these men. Payments were made even if and when they were no longer employed by the plant.

This is a chart which in my eyes is a very important piece of evidence.

Court No. VI, Case VI

I shall now offer some other documents on the personality of Dr. Wurster. Document 129, Exhibit 245 is an affidavit of Dr. Holzberger. After the collapse in 1945, Dr. Holzberger was chairman of the Denazification commission at the plant, and still plays an important role in this field in Ludwigshafen. He gives his impression of Dr. Wurster.

Document 276, Exhibit 246 is another affidavit of the same affiant on the question of the political affiliations of the department chiefs. This was a question which was brought up in the direct examination of Dr. Wurster. I shall mention only one sentence. He emphasizes that in the Ludwigshafen-Oppau plant there was a definitely liberal political atmosphere insofar as this was possible at all under the Nazi regime.

Document 137, Exhibit 247; Document 113, Exhibit 248; Document 115, Exhibit 249; Document 109, Exhibit 250; Document 108, Exhibit 251; These documents belong to a special group. The first Exhibit 247 is a statement by Ernst Lorenz, as chairman of the plant council -- Betriebsrat -- of I.G. Farben, one of the leading men of the union movement in I.G. Farben Ludwigshafen, and today he is one of the leading union men in the western occupied territories. He is a member of the Landtag for the Rhineland/Palatinate representing the Social Democrat Party. He describes his impression of Dr. Wurster during the war when he, the affiant, was first a laborer and then a foreman in the plant. He states especially that he considered him a passionate opponent of war.

The next affiant, Paul Fischer, Exhibit 248, represents another party, the Christian Democate Union -- Christlich Demokratische Union -- and was one of the leading men of the Catholic Youth Association, the Catholic Unions. He played a role in the Catholic Party of Germany earlier and was therefore watched by the Gestapo. His house was searched. This man Fischer, in spite of his anti-Nazi attitude, was hired by Dr. Wurster, promoted regularly and later became manager of a plant operation under the Nazis.

The affiant in Document 115, Rudolf Frenzel, who was also known as anti-Nazi, was also promoted under the Nazi regime against the opposition of the Nazi authorities.

The affiant Dr. Eckert, Exhibit 250, was an active Catholic. He, too, was made head of the personnel department for workers against Nazi opposition, a position which was otherwise usually held by Nazi big-shots.

The affiant in Exhibit 251, Erich Day, was also an active Catholic. During the Nazi Period, Dr. Wurster helped and promoted him.

Document 167, will be Exhibit 252. This is the affidavit of a certain Johannes Thoma, who was protected by Dr. Wurster since he made himself unpopular as an ardent Catholic.

Document 132 is Exhibit 253, an affidavit of Karl Yoerger describing Dr. Wurster. He knew him when he, the affiant, was still a laborer, he became a foreman and he says that all his co-workers would go through the fire for Dr. Wurster.

Document 126 will be Exhibit 254. This is an affidavit of Dr. Joseph Hille, a man who made himself unpopular under the Nazi regime because of his anti-Nazi attitude, and he confirms that Dr. Wurster rejected the Nazi ideology and was opposed to war.

I now come to Document 179, Exhibit 255. This is a rather interesting affidavit by Dr. Berthold Schnell. Since 1925, Dr. Berthold Schnell had been a chemist in the Ludwigshafen plant; since 1942, prokurist; and now department head in the Ludwigshafen-Oppau plant. He describes the personality of Dr. Wurster. What makes his description especially interesting is the fact that Dr. Schnell personally experienced the hard struggle of Dr. Wurster against the destruction of the plant in 1945. I shall not go into detail because I want to save time and follow the suggestion of the Tribunal. I may perhaps, however, quote what he says at the end of his affidavit; I quote: "He took great chances with the security of

his person" — meaning Dr. Wurster—" to ward off dangers threatening the continuance of the plant and to alleviate hardships to persons under his care. Dr. Wurster's achievements in this respect during the war, particularly during the last dramatic months and days, for the plant and its people must be entered in the annals of the plant as a shining chapter on human greatness, if decency and honor are not to become concepts without sense or meaning."

I go on to Document 141, Exhibit 256. That is the last document. That is the affidavit of Dr. Hans Mehner. From 1902 until 1940, Dr. Mehner was a chemist, and at the end, a procurist at the Ludwigshafen plant. He is one of the oldest living chemists. He knew Dr. Wurster from the beginning. In his affidavit he gives a very clear and accurate picture because of his years of close observation. He describes how Dr. Wurster endeavored to care for the welfare of the employees and he says that he cared for them with an extraordinary well-developed sense of justice and with much humanity and sacrifice. Dr. Mehner also discussed with Dr. Wurster the difficulties of the situation and gives us a picture of the situation at the outbreak of war, September 1939. From a conversation with Dr. Wurster he says, and I quote: "The declaration of war on 3 September 1939 depressed Dr. Wurster to the utmost and he made the following remark to Dr. Mehner: 'You will see that this signifies the end of our beautiful plant and of our homeland.'" Dr. Mehner concludes his affidavit in the following words, and I quote: "This deeply pessimistic discussion was finished by Dr. Wurster saying that we little individual had no choice but to remain at the station to which fate had assigned us and to attempt to do our best for the preservation of the plant entrusted to us and for the people working there."

Therewith, I conclude my presentation of documents and I close my case.

DR. LUMMERT (for the defendant Kuehne): Mr. President, before I ask the defendant Kuehne a few questions in redirect examination, I should like to raise an objection to the admissibility in rebuttal of most of the documents which were offered by the prosecution during the cross examination of the defendant Kuehne. I am referring to Exhibits 2064 through 2083. Aside from 2071, I object to all these exhibits. I shall explain very briefly, first of all --

THE PRESIDENT: Dr. Lummert, may I inquire if it is your purpose to object to these documents upon the ground or the theory that they are not proper rebuttal?

DR. LUMMERT: Yes, Mr. President.

THE PRESIDENT: Then I do not know whether you were present here earlier when we discussed that matter. A great many documents coming in -- a great number have already come in from the prosecution which they have said they were offering upon the theory that they constituted rebuttal. Other of your associates have registered or indicated that they would make similar objections. The Tribunal would prefer, if it's agreeable to you, to let all of those matters pass until you can prepare a memorandum and we fix a time when we will pass on the question of whether or not any of the documents of this character that are the subject of an objection are not proper rebuttal, so we can group them all together at one time and make speedy disposition of them. Now if that is the purpose of the objection that you have in mind, we'd respectfully suggest that you hold that in abeyance until toward the close of the trial we will undertake to pass on those matters.

DR. LUMBERT: Mr. President, I shall postpone explaining my objections. I shall merely reserve the right to hand in a written motion regarding three exhibits. I would appreciate a prompt decision on the objections to these three exhibits because, if the objection is not upheld, further examination of the defendant Kuehne with regard to these documents might be necessary.

I have a few questions to ask of the defendant Kuehne. May he be called to the stand?

MR. SPEECHER: Mr. President, I would like to respectfully suggest that Dr. Lumbert conduct his examination at this time for all purposes of the defendant Kuehne without respect to what happens to a motion which he introduces. I might say we are prepared, because we have been given advance notice by Dr. Lumbert, to argue this matter either about the individual documents or as a general proposition, and I don't think that there can be very much doubt about their relevancy in rebuttal itself underneath the rules we have either applied here or in other cases, or in the plain words of the law itself, and I would like to avoid, if possible, having further digressions by virtue of calling people back to the stand.

THE PRESIDENT: Well, Dr. Lumbert has a right to make an objection to the admissibility of documents and, of course, it is entirely possible that whether his objection is or is not sustained might bear upon the question of whether or not he has any further inquiry of his client. In view of what we have just said here with reference to this rebuttal proposition, the Tribunal is concerned about not occupying too much time by taking up these objections separately. We feel that later on if that can be grouped and we can go over them, we can dispose of them without wasting time that it would otherwise require. Without knowing what Dr. Lumbert's objections may be or even what documents he is talking about are, we are in no position to make a ruling on that and, under the circumstances, the matter will have to go over until he gets his motion on file.

DR. LUMBERT: Then may I call the defendant Kuehne to the stand?

THE PRESIDENT: Dr. Kuehne may take the witness stand.

While the doctor is taking the stand, have you prepared and filed that motion yet that you had in mind about the three documents?

DR. LUMBERT: I could give the explanation of my objections to these three documents, for the record but I can do so in writing within a few days.

THE PRESIDENT: We would prefer you to do it in writing and do it as speedily as you can because we want to avoid an accumulation of loose ends as we approach the end of the evidence in this case. Do it as soon as you can get it on file and we can save the time in the court room that way and we can give it more orderly consideration if you put it in writing.

DR. LUMBERT: Yes, your Honor.

THE PRESIDENT: You may proceed with the examination of the defendant Kuehne.

HANS KUEHNE, a witness took the stand and testified as follows:

REDIRECT EXAMINATION

BY DR. LUMBERT:

Q. Dr. Kuehne, in connection with Exhibit 2064 you were questioned by the prosecution. This is your letter to Mr. Schmitz of 18 October 1941 with your report about the birthday celebration. First of all one question for explanation. Who was Mr. Poensgen?

A. Mr. Poensgen was the General Director of the Vereinigte Stahlwerke.

Q. After reading your letter of October 1941, can you tell me who arranged this birthday celebration?

A. The birthday celebration was arranged by the Industrial Club of Suesseldorf. Subsequent to that party Gauleiter Florian extended the invitation to dinner and afterwards the Minister of Economics Funk extended an invitation for tea.

Q. When you rejected the attack of Mr. Pleifer on Farben, saying that without Buna and gasoline Hitler could not have started the war,

did you mean that Farben invented Buna and gasoline to permit Hitler to wage aggressive warfare?

A. No, certainly not. At any rate, these substances were invented long before the first World War, at least as far as rubber was concerned. Synthetic rubber had been produced for the first time in Elberfeld in 1906. Nitrogen had also already been invented before the first World War. If these inventions were then misused for war purposes, the inventor can hardly be blamed. Even the invention of synthetic gasoline came about at the beginning of the 1920's, soon after the end of the first World War. All these inventions were only intended for peaceful purposes. At that time, I was only referring to the attack of Mr. Fleiger against Farben. I wanted to reject that attack by pointing out Farben's merit in the Buna and gasoline field. Not only was it unpleasant, it was even dangerous, that in the presence of such prominent Party people as the Gauleiter and the Minister of Economics any such attack was made against Farben which somehow put the firm into the light of having committed sabotage. I was glad that afterwards I received the approval of Mr. Funk, I should like to add in that connection that I personally have repeatedly made the statement that I wished we had not invented Buna and nitrogen because then Hitler perhaps would not have been able to wage this unfortunate war. But the best rubber and the best gasoline is of no use if one has no guns, and armored cars and no submarines to wage war. Farben, at any rate, did not make these inventions in order to wage an aggressive war together with Hitler.

Q. In connection with Exhibit 2065 Mr. Sprecher asked you about a Gauleiter Hassfeld. You were not able to remember this name. Actually the name, as the document shows, is not Hassfeld but Hossfeld. The document was not shown to you in cross examination. Do you now remember a Gauleiter Hossfeld?

A. Yes. Mr. Sprecher, I believe, pronounced the "O" in the American way like "A" and that is why I could not think of the man he meant. As

far as I remember, Mr. Hossfeld was a Gauamtsleiter. In other words, not a Gauleiter. He was in charge of the cultural matters pertaining to the Gau. Moreover, this document confirms my testimony to the effect that we were not only reprimanded by the KdF, but sometimes also praised. In particular, with respect to our efforts in the cultural field.

Q. The prosecution has put to you as Exhibit 2067 a letter of the Sales Combine Chemicals signed by Mr. Meyer-Kuester. Why did you receive this letter?

A. I received that letter as a member of the Chemicals Committee which, at that time, consisted of Mr. Weber-Andreas, Mr. Pistor and myself, and also Dr. Buhl as the legal advisor.

Q. Meyer-Kuester in this letter suggested a new cryolite factory in Central Germany. Two questions about this. Was this factory built? Second, what was to have been the purpose? That of aggressive war, perhaps?

A. The factory, at any rate, was not constructed by Farben. In Central Germany there was a cryolite factory of the Kuettingwerke and I think that this factory was perhaps expanded. I knew, of course, that the aluminum production was expanded, but, in my opinion, that only happened in order to substitute the copper for which we did not have sufficient foreign exchange. Many things for which used up copper previously - for instance, electrical apparatus and installations - had to be substituted with aluminum in order to save foreign exchange. The expansion of the aluminum production, therefore, had nothing at all to do with any rearmament. The expansion of the aluminum production at that time did not give rise to a thought on my part that an aggressive war was being planned.

Q. Mr. Sprecher put to you in cross examination a letter of the end of 1935, Exhibit 2068, speaking about the deputy of yours for the Dormagen plant as a confidential man for W matters. Could explain that?

A. In cross examination by Mr. Sprecher I already mentioned that

Mr. Gajewski inquired who was appointed at Dornagen because Dornagen was producing products of his own Sparte III, artificial silk and acetyle cellulose which was used for film and artificial silk. The heads of the plants, could appoint themselves, or as it was the rule they appointed deputies. The chief engineer of the plant was appointed to that position at Dornagen. Who actually appointed him I can no longer say with certainty today, because from 1933 up to 1938 the plant leader at Dornagen changed four times and that probably was the reason why the letter was directed from Dr. Gajewski's office to me.

Q. Mr. Sprecher asked you about the war production plans for the plants of the Donaueben A.G. Why were such plans made also for the Austrian plants after 1938?

A. On various occasions it has been said here that war production plans were officially prescribed. On the other hand, there was interest in Moosbierbaum receiving such war production plans. Those plants not having a war production plan - that is to say, a plan as to how the plant could continue to operate in case of war - would not have been allowed to continue in operation in case of war. Let us assume that such plans had been set up in the United States at that time. Every plant leader there, too, would of course have been interested in being included in that program so that his plant, in case of war, would not cease to operate. Only that and nothing else was meant by most of these Belegungsplaene, war production plans. In the spring of 1939 of course, I was in full agreement if for the Moosbierbaum plant, according to the governmental regulation, such a plan was set up, although I neither believed that there would be a war and I certainly did not desire one.

Q In cross-examination Mr. Sprecher put to you the private letter of an employee named Steinborn - an employee of the Skoda Wetzler Firm. This is Exhibit 2075, dated January 1939. It refers to obtaining a code number in the Four Year Plan for the sulphuric acid plant which was planned at Moosbierbaum. What did this code number mean?

A In that connection I might state that this letter was a private letter from Mr. Steinborn. Up to the present dated I did not know of this letter. Mr. Steinborn was a commercial employee and he was in charge of all purchasing. He therefore had to purchase the materials for the planned construction of the sulphuric acid factory at Moosbierbaum. Now, Mr. Steinborn, in this letter, wrote to Mr. von der Heyde, Vermittlungsstelle #. This of course is a wrong address, because Mr. von der Heyde was neither in the Vermittlungsstelle W nor was he employed in the Four Year Plan. As I can see from that letter, Mr. Steinborn obviously intended, in order to obtain easier the material for Moosbierbaum to get a code number in the Four Year Plan, without which one could hardly receive any material whatsoever. Whether a so-called code number "Kennziffer", was actually received by Moosbierbaum I don't know. But at any rate the sulphuric acid factory was not considered to be essential by the Four Year Plan because in spite of our having laid the foundation in 1938 for the factory, the factory only started its operations in 1943. This furnishes proof that at first it did not mean very much in the Four Year Plan.

Q In connection with building a quays on the Donau at Moosbierbaum, Mr. Sprecher asked you whether there were not problems in Austria during the war regarding hydrofluoric acid or the magnesium for the aluminium program. In this connection he offered a letter of August 1941 as Exhibit 2076, speaking of an HF plant. What do you have to say about that?

A During cross-examination I wasn't able to reply immediately because I didn't understand what hydro-fluoric acid in Moosbierbaum was to mean.

But I can see from the document that Mr. Sprecher was a victim of a comprehensible mistake. HF is the chemical formula hydrofluoric acid, but the plant of Moosbierbaum was a hydroforming plant and the abbreviation of that term is also HF plant. The hydroforming plant was the cracking plant for gasoline. A fluoric or cryolite plant was neither in existence nor provided for Moosbierbaum and has nothing to do with magnesium production.

DR. LUMMERT: Mr. President, this is the end of my case in chief. I should merely like to ask your permission, in the near future to hand in a few supplementary documents. I intend to put these documents in my Document Book 4. These are eight to ten documents at the most. Some of these are already in my possession. Some of them have not yet been received. I am especially waiting for two affidavits from the United States. The presentation of these documents will not take more than five or ten minutes and I believe that I still have that much to my credit. I believe that it will be the end of April or the beginning of May at the latest that I will be ready to present these documents.

THE PRESIDENT: Dr. Lummert, if you have some of the documents, may I suggest that you have them processed without waiting to get them all, so that we can avoid any rush at the last moment and remind you also that if you see Judge Merrell and he deems the documents proper he will give you a card that will entitle you to have them promptly processed. If there is any question about it, the Tribunal will pass on it.

DR. LUMMERT: Thank you, Mr. President.

THE PRESIDENT: Any further cross-examination of the witness?

MR. SPECHER: No, Mr. President. I only wanted to state that Dr. Lummert is right and of course Dr. Kuehne knows much more about this possible use of HF than I. I had taken it from another Farben document on the same subject as I notice, which I introduced during the cross-examination of Dr. Kuehne and I was confused.

THE PRESIDENT: Very well. Dr. Hoffmann.

DR. HOFFMANN: Mr. President, I have endeavored to be present at as many sessions as possible. But on one occasion when the Defendant Kuehne was examined I was away on official business and I ask permission to put perhaps one or two questions to this witness.

THE PRESIDENT: Very well.

BY DR. HOFFMANN:

Q Witness, it has been reported to me -- unfortunately I do not have the record yet, that in your direct examination you spoke of a TEA meeting that took place in April -- April 1941, I believe. You testified that Ambros spoke there about concentration camp inmates. Now, I am very much interested in this incident. Would you please give me a brief description of it.

A Yes. It is on transcript page 10216. I testified to something which does not quite represent what I actually intended to say. I said that Dr. Ambros hoped that he would get technical assistance from the excellent workshops of the Auschwitz concentration camp who could produce all sorts of things and then I said that he hoped to be able to obtain concentration camp inmates for digging purposes. That naturally was incorrect because, as far as I remember, Dr. Ambros has mentioned during that meeting that he had already received concentration camp workers and he said that those workers were assigned to him. On various occasions it had been stated here that those workers were forced upon him.

Q Mr. Kuehne, I want to know the one hundred percent truth in this case. If you would have confirmed that what you said originally was right I would have been satisfied with that too. But I really want to ask you whether what you have just said is your absolutely correct memory that you have now.

A After having testified here I told Dr. Ambros in the recess -- I said -- "Ambros, I made a mistake. It was a lapse of the tongue."

I know that you told me that you actually had these people assigned to you and what I said was that you hoped to get them." In the recess I immediately remembered that I made an incorrect statement.

Q But did Ambros bring this up?

A No, no in the evening after the examination I approached Ambros and told him, "I believe in my entire examination I made one single mistake and that was when I said you hoped to get people. But as far as I remember you said at the time that you had already received these people.

THE PRESIDENT: Anything from this defendant? If not you are excused, Dr. Kushner, and you may leave court this afternoon if you care to.

DR. SEIDL (for the defendant Duerrfeld.):

DR. SEIDL: Mr. President, Your Honors, before I begin with the presentation of my evidence for the defendant, Dr. Walter Duerrfeld, I should like to make a brief preliminary remark. The evidence in this case, as in all similar cases, falls into three categories. We have collected documents in nineteen books. Part of these documents will be presented at the beginning of my case. Then the defendant will be questioned on the witness stand.

THE PRESIDENT: Pardon me -- just a moment Dr. Seidl. I think we can save some time if we ask the messenger to bring in our Duerrfeld books. We have some of them but not all. Mr. Secretary, will you tell the messenger when he comes in to bring them. Go ahead, Dr. Seidl.

DR. SEIDL: After the examination of the defendant Dr. Duerrfeld, is concluded, we will call a number of witnesses. The question of how many witnesses call into the courtroom depends on how much time we have left. It is not impossible that before the examination of the defendant Duerrfeld we will call one witness, because it is possible that for business reasons some witness may not be able to stay here very long.

MR. SPEECHER: Just a second, Dr. Seidl. Mr. President, I only want to call attention to one factor that has recently been overlooked and I am sure Dr. Seidl doesn't want to overlook it.

But in a number of cases we have been faced with the appearance of witnesses in this court without the regular notice under the rule and we haven't been consulted about it, but we do feel that it's about time that we asked that that particular rule be strictly adhered to and if it is not adhered to we exercise our rights in the matter.

THE PRESIDENT: Very well, you gentlemen have been about here long enough to know the rules and we would expect you to comply with them. So give your notice in due time, Dr. Seidl, so there will be no question about you using your witnesses when you want them.

DR. SEIDL: Several weeks ago we submitted applications to the Tribunal for the calling of witnesses. As far as I know the prosecution has been sent copies of all these applications and the Tribunal has granted all these applications. As far as I know, the prosecution was informed of these decisions too. The prosecution knows very well what witnesses we expect to call. At the moment of course I can't say in what order I am going to call these witnesses. That depends to a large extent on when they arrive in Nuernberg. But, of course, I shall try to keep the prosecution informed as well as possible.

MR. SPRECHER: Dr. Seidl is right about his general application but there is the rule about 24 hour notice which I am sure the marshal needs quite as much as we do and, I think, the pay authorities need.

THE PRESIDENT: Well, we expect that rule to be complied with substantially but if some emergency arises, as they say, that some witness has arrived and they want to use him right away, I think we can work it out some way. Just try to comply with the rules and I trust you gentlemen will find something substantial to quarrel about than the rules of this tribunal. You both know what they are.

Go ahead, Dr. Seidl.

DR. SEIDL: Perhaps, I may call it to the attention of the Tribunal that the first exhibit for the defendant, Dr. Duerrfeld, has already been introduced. This is an affidavit of a Norbert Jaehne which was introduced by me in the cross examination of the defendant Jaehne and the Tribunal will perhaps recall that the affiant is the son of the defendant.

The prosecution introduced an affidavit in cross examination and we introduced a cross affidavit by the same witness and the decision of the Tribunal on the admissibility of the prosecution's affidavit was made contingent on our own affidavit. This affidavit of the affiant, Norbert Jaehne, bears the number, Duerrfeld 806, and I introduced it as Exhibit No. 1.

As the Tribunal informed me, the judges have in the meantime received a translation of this document.

THE PRESIDENT: I am not sure whether our copies have been delivered. I know it has been processed and translated because there was an English copy in the folder. Yes, here it is now. Thank you very much.

DR. SEIDL: Mr. President, may I ask whether the document books have been received, Document Books I and II?

THE PRESIDENT: The books have been delivered to us but they have not been brought into the court room. The marshal seems to be out and

the messenger seems to be out. I think we will have them in a few moments and we can use a pad and keep track of them until the books come, so you may go ahead.

DR. SEIDL: I shall begin with the presentation of the documents in Book I for the defendant Dr. Walter Duerrfeld. Before I go into the individual documents, perhaps I may first remark that the fact that there are so many documents here, in 19 books, is partly explained by the fact that we have taken together all the documents regarding Auschwitz. It would have been possible to introduce part of these documents in the cases of Ambros and Bueteftisch but, in order to simplify the work of the Tribunal, we decided to introduce these documents together in the case of the defendant Duerrfeld.

The first document in Document Book I is No. 651. This is an affidavit by Helmut Schneider, attorney-at-law, former Deputy Chief of the Personnel Department of the Farben plant at Auschwitz regarding commitment of labor dated 12 October 1947. It is on page 1 of the document book. I offer it as Exhibit 2 for Duerrfeld.

The second document is also an affidavit, Document 1046, an affidavit of the defendant himself, dated 21 January 1948, on the efforts made and the measure of success achieved in obtaining voluntary foreign workers on the basis of voluntary contracts concluded with foreign building and assembly firms. The document is on page 21 of the book and I offer it as Exhibit 3.

I now come to Document 1047. This is a letter of the Oberpräsident of the Province of Upper Silesia, Directing Staff for Economics, Plenipotentiary General for Special Questions of Chemical production, to the Personnel Department of I.G. Farben A.G., Auschwitz, Upper Silesia dated 21 May 1943. The document shows the legality of the contracts concluded between Farben and foreign firms and gives assurance that the Plenipotentiary General for the Allocation of Labor had undertaken to supply the number of workers still required for the execution of such contracts. I offer this document as Exhibit 4, it is on page 25.

The next document is 1049 which I offer as Exhibit 5. This is a contract between I. G. Farben Industry A.G. Auschwitz and the Termotaw Bau-Aktiengesellschaft, Pressburg, of 18 May 1942. The contract shows that the foreign workers were on a completely equal footing with the German workers. I refer especially to paragraph 5, page 29, where the legal position of these workers is gone into and the fact that they had complete parity with the German workers.

I now refer to Document 1050 on page 34 which I offer as Exhibit 6. This is a skeleton contract between I.G. Farben Industry and Fusi & Macchi, Rome, of 20 November, 1942. I should merely like to mention that the defendant, Duerrfeld, will comment on these exhibits in the witness stand and explain them.

I go on to Document 1051, also an Employment of Firms Contract between Farben and the Protectorate firm Bau und Montageschlosserei Alois Novacek, Prague XII, of 17 February 1943. The document is on page 35 of the document book and I offer it as Exhibit 7.

The next document is 1052. This is order by I. G. Farben issued on the basis of the contract of 22 February 1943, to Etablissements Paros, Paris. It is dated 26 February 1943 and given by I. G. Farben Industry Auschwitz, and this is on page 45 of the book. Dr. Duerrfeld will explain this document, too, on the witness stand. I offer it as Exhibit 8.

Another example of this kind of contract is Document 1053, page 48. This again is a Skeleton Contract between I.G. Farben Industry in Auschwitz and the Lithuanian firm Vladimir Jankauskas in Lithuania dated 22 February 1944. This again shows complete equality of foreign workers and Germans and the way social welfare problems, such as traveling expenses journeys home to visit families, etc., were settled. I offer this document as Exhibit 9.

The last document in this group deals with general labor questions. This is Document 1070, an affidavit of the assistant to the Plenipotentiary General, for Special Questions of Chemical Production, Dr. Heinrich Eckhardt, dated 27 January 1948. It is on page 62-A. The affidavit

shows that the Auschwitz plant was always willing to conclude contracts with foreign firms on a voluntary basis, even should this entail less favorable conditions and higher costs. I offer this as Exhibit No. 10.

The next group of documents refers to accommodations for the workers. Document 1055 is an excerpt from the Exhibit RF-91 which was submitted by the French prosecution at the International Military Tribunal. This is a monthly report of 15 June 1944. The French doctor, Fovrier, was a member of the official French delegation appointed to supervise French workers' camps in Germany. He describes the French Workers' camp attached to the I.G. Works, Auschwitz, as a model camp. I offer this as Exhibit 11.

The next document is an affidavit of Theodor Pillich, responsible for protecting the interests of all voluntary workers employed by the I.G. Works at Auschwitz, dated 29 January 1948. It is on page 62 of the book. It deals with all questions connected with accommodation, including the education of Russian children, care of infants, divine services and so forth. I offer Document 290 as Exhibit 12.

Document 227 is an affidavit of Martin Eichler of 5 September 1947. The affiant was a government inspector at the Kattowitz District Labor Office. He states that, in spite of attacks by the Plenipotentiary General for Building Operations, the Construction Management persisted in the view -- and I quote -- that "the success of the building project was largely dependent on the provision of decent food and living quarters for the workers employed." The document is on page 72. I offer it as Exhibit 13.

THE PRESIDENT: Dr. Seidl, it is necessary for us to recess a little early this evening. The Tribunal is now recessing until nine o'clock tomorrow morning.

(The Tribunal adjourned until 0900 hours 14 April 1948.)

CERTIFICATE OF COMMISSIONER

Under directives of United States Military Tribunal No. 6, testimony of witnesses listed below was required to be taken before the undersigned Commissioner. Pursuant thereto the said Commissioner has conducted hearings at which the following witnesses have fully testified:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
8 April 1948	Walter Warlimont	10875-10907
9 April 1948	Kurt Krueger	11128-11163
12 April 1948	Karl Weber	11165-11175
12 April 1948	Paula Ester	11177-11199
13 April 1948	Ernst Struss	11293-11338
14 April 1948 &	Christian Zahn	11444-11490
15 April 1948	" "	11587-11612
16 April 1948	Bernhard Schoener	11706-11723
19 April 1948	Adalbert Feindal	11827-11841
20 April 1948	Josef Grobel	11842-11860
20 April 1948	Gustav Pistor	11861-11878
21 April 1948	Emil de Haas	12098-12128
21 April 1948	Heinrich Schuh	12129-12140
23 April 1948 &	Heinrich Schindler	12337-12370
28 April 1948	" "	12707-12777
26 April 1948	Walter Kikuth	12461-12498
26 April 1948	Hans Sauer	12500-12512
27 April 1948	Wilhelm Duellberg	12598-12621
29 April 1948	Theo Goldschmidt	12871-12909
29 April 1948 &	Anton Reithinger	12910-12953
30 April 1948	" "	13075-13092
29 April 1948 &	Rudolf von Sprety	12954-12960
30 April 1948	" " "	13065-13075
30 April 1948,	Rudolf Schmidt	13093-13133
5 May 1948 &	" "	13620-13629
6 May 1948	" "	13651-13719
3 May 1948	Wolfgang Alt	13246-13269
3 May 1948	Carl Gadow	13271-13291
3 May 1948 &	Kurt Hartmann	13292-13316
4 May 1948	" "	13412-13450
4 May 1948	Fritz Dion	13450-13460
4 May 1948	Kurt Eisfeld	13461-13479
4 May 1948	Adolf Taub	13480-13489
5 May 1948	Ernst Struss (for Pros.)	13566-13619
6 May 1948 &	Werner Schmitz	13720-13735
7 May 1948	" "	13861-13891
10 May 1948	Max Winkler	14173-14181
10 May 1948	Fritz Hirsch	14195-14209
10 May 1948	Ernst Kraschewski	14210-14220
10 May 1948 &	Franz Fuerstenberg	14221-14245
11 May 1948	" "	14377-14384
11 May 1948	Heinz Savelsberg	14387-14424
11 May 1948	Karl Aunscheidt	14425-14439
11 May 1948	Reinhold	14440-14455
10 May 1948	Friedrich Selcher	14182-14194

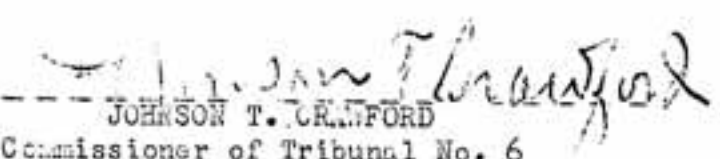
During the said proceedings the following exhibits have been offered in evidence:

PROSECUTION EXHIBITS

<u>Exhibit</u>	<u>NI No.</u>	<u>Official Transcript</u>
2302	PS 2353 C	10899
2303	L79	10904
2304	14036	11145
2305	14034	11182
2306	15070	11183
2307	14236	11302
2309	14232	11312
2311	15062	11327
2312	15063	11330
2314	14257	11468
2315	13524	11473
2316	14256	11473
2317	14251	11485
2318	14252	11476
2319	14014	11482
2320	14039	11834
2321	13084	11848
2328	10532	12615
2329	10528	12616
2323	10907	12706
2330	13525	12733
2331	15021	12878
2332	3763	12915
2333	15145	12921
2334	15146	12923
2335	8647	12927
2336	15132	12933
2337	1514	12942
2338	14098	13106
2339	13534	13111
2340	15215	13126
2341	15260	13620
2342	15173	13286
2345	7637	13728
2346	7666	13730
2352	15290	14382
2353	15296	14392

I, the undersigned Commissioner, do hereby certify that the aforesaid official transcript pages comprise a full, true and correct report of such proceedings, testimony and evidence heard and recorded therein before me.

Dated at Nurnberg, Germany, May 28, 1948.


 JOHNSON T. CRAWFORD
 Commissioner of Tribunal No. 6

Official Transcript of Hearing before a Commissioner for Military Tribunal VI, Case VI, in the Matter of the United States of America against Karl Krauch, et al., defendants, sitting at Nurnberg, Germany, on 13 April 1948. Commissioner Johnson T. Crawford, presiding.

THE MARSHAL: The Commission for Tribunal VI is now in session.

THE COMMISSIONER: You may proceed.

DR. BORNEMANN: The Secretary-General Mueller, I have come here to state, and all defense counsel were informed in good time of today's proceedings.

THE COMMISSIONER: The record will so show the notice.

DR. BORNEMANN: Then I would like to call Dr. Struss.

THE COMMISSIONER: All right, the witness will be called to the stand.

MR. AMCHAN: Before the witness is sworn I think the record should show that the witness is being called by the Prosecution to be cross examined with respect to the affidavits which he has submitted for the defendant Ter Meer, which affidavits appear, or most of them do, in Document Book No. III for the defendant Ter Meer. It is in Book III?

DR. BORNEMANN: Yes.

MR. AMCHAN: Now I think we also should state for the record that originally it was intended by the defense to cross examine this same witness with respect to an affidavit which he submitted on behalf of the Prosecution dealing with Auschwitz, but after the request of the defense to have that cross examination deferred, the Prosecution agrees that at this hearing the cross examination by the defense of Dr. Struss as a Prosecution witness will be deferred until some other time, the reason being that presently in the main Tribunal the defendant Duerrfeld is on the stand, and since the subject matter of the defendant Duerrfeld relates to the same subject matter in the Auschwitz affidavit upon which the defense desires to interrogate this witness, we have agreed to postpone the witness' cross examination on that subject matter until all the defense counsel who are interested in this matter will be available to

attend the hearings before the Commissioner.

THE COMMISSIONER: The record will so indicate. All right, are you ready for the witness to be sworn?

DR. BORNEMANN: Yes, Your Honor.

DR. ERNST AUGUST STRUSS, a witness, took the stand and testified as follows:

THE COMMISSIONER: The witness will raise his right hand and repeat after me - please talk into the microphone, I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing. (The witness repeated the oath.) You may be seated.

DIRECT EXAMINATION

BY DR. BORNEMANN:

Q. Dr. Struss, first of all for the record, I would like your personal data?

A. Dr. Ernst August Struss, German National, living in Frankfurt Main, Gaertner-weg 59.

Q. The defense of Dr. Ter Meer has submitted eighteen affidavits of Dr. Struss, and I don't know if the Prosecution intends to cross examine on all of these affidavits. I, therefore, request the Prosecution to make a statement on this subject, since this can presumably shorten the proceedings.

MR. ANCHAN: In the interest of expediting the proceedings, the Prosecution hereby states that it intends to cross examine this witness on the following affidavits which he submitted on behalf of the defendant Ter Meer:

First, Ter Meer's Exhibit No. 37, Document No. 51

Ter Meer's Exhibit No. 38, Document No. 52

Ter Meer's Exhibit No. 43, Document No. 57

Ter Meer's Exhibit No. 47, Document No. 61

Ter Meer's Exhibit No. 48, Document No. 62

Ter Meer's Exhibit No. 49, Document No. 63

Ter Meer's Exhibit No. 50, Document No. 64

Ter Meer's Exhibit No. 30, Document No. 65

Correction please:-Document No. 65 is Ter Meer's Exhibit No. 36. Those just mentioned constitute the affidavits of this witness as the exhibits upon which the Prosecution will direct its cross examination.

DR. BORNEMANN: Sir, I have eight of the affidavits made by Dr. Struss; they are all in Book III, Ter Meer's Document Book III.

BY DR. BORNEMANN:

Q. Dr. Struss, I have the duty to ask you whether you wish to make any changes or corrections in these documents? First of all, Ter Meer's Document No. 51, Exhibit No. 37, in Document Book III, page 1. That is an affidavit dated 21 January 1948, concerning firstly, expenditures for new installations from 1925 to 1939; secondly, normal and special depreciations for 1928 to 1937 of I. G. and the participating firms submitting their credits. Have you anything to say with reference to this affidavit?

A. No.

Q. The next document is Document No. 52, Exhibit No. 38, in the same volume, page 2. This is an affidavit dated 5 January 1948, concerning income on installation values for 1925 and 1926. Have you anything to say about this?

A. No.

Q. Then there is Exhibit No. 43, Document No. 57, on page 7 of volume III, Ter Meer's. This is the affidavit of 21 January 1948 concerning the number of fabrication products of Department 2 of the I.G. Have you anything to say about this?

A. No.

Q. The next document is Exhibit No. 47, Document No. 61 on page 20, an affidavit dated 10 January 1948, and is a plant chart of the total I. G. turnover. Any corrections here?

A. No.

Q. Then Exhibit No. 48, Ter Meer's Document No. 62, Book III of

Ter Meer's, page 21, an affidavit made by you dated 10 January 1948, representing a chart of I. G. turnovers for Department 2. Any corrections?

A. No.

Q. The next document is Document No. 63, Exhibit No. 49, in Volume III, Ter Meer's page 22. This is a chart made by you on 10 January 1948, which contains the turnover of Departments I and III. Yesterday you told me, Dr. Struss, that you had two small corrections to this chart. Would you please give us those corrections now?

A. Right under "cell wool" for the year of 1936, it should say instead of thirteen millions, forty-three millions. It is quite easy to see this mistake because it interrupts the whole thing. I had already corrected the original, but there were three originals, and apparently a mistake was made and it is not corrected in my copy. Then afterwards another mistake was discovered under "photo" concerning the years of 1929 and 1931. In 1930 it should say instead of 104 millions, 84 millions. That is 20 millions less. In 1931 also instead of 101 millions, it should be 81 millions, so that is also 20 millions less. That is all.

Q. Thank you. Any more corrections or supplements?

A. No.

Q. Then we have Document No. 64, Exhibit No. 50, it is in Book III, Ter Meer's, page 23. This is an affidavit of yours dated 12 January 1948, concerning the I. G. as recipient of orders from the official agencies, and, in particular from the Reich Office of Economic Development. Any corrections or supplements to this statement?

A. No.

Q. Now we come to the last document, No. 65, Exhibit No. 36, which is on page 24 of Book III, Ter Meer's. This is an affidavit dated 21 January 1948, which concerns the examination of the reports on Dynamite

A.G. Any changes or additions necessary here, Dr. Struss?

A. No.

Q. Anything further you want to say regarding the 8 documents?

A. No.

Q. DR. BORNEHANN: Then I will hand you over for cross examination.

CROSS EXAMINATION

BY MR. AMCHAM:

Q. Dr. Struss, do you have before you Ter Meer's Exhibit No. 37, Document No. 51?

A. Unfortunately I have not got it among my documents here, but I hope I will be able to answer your questions without it.

Q. Dr. Berndt is giving you a copy. Do you have it before you now?

A. Yes.

Q. Is it true, Dr. Struss, that in the figures contained in that document there do not appear the expenditures for new installations of the Reich Government with respect to the Montan and Wolfen plant, is that right?

A. Yes.

Q. And is it also correct, Dr. Struss, that in that document the figures do not show the investments of the plants of Verwertchemie and Wulfchemie, is that correct?

A. Yes.

Q. Now if you will please look at that document you will note that for the years of 1927, and 1928 there are fairly high expenditures for new installations?

A. Yes.

Q. Is it a fact, Dr. Struss, that during those years Farben made the first big capital investments since the close of the First World War?

A. Well, I must say also the capital investments in 1925 and 1926 were very important, amounting to more than 100 millions, and for the rest it is correct that large new investments were made. Since I. G. started to function only at the end of 1925, it would not have been possible for it to be any earlier.

Q. Would it be a fair statement to say, Dr. Struss, that considering the First World War, the Allied occupation of Germany, the post-war

re-adjustment in this location, that the investments of Farben - its capital investments and new installations for the years of 1926 and 1928 are abnormal? Would that be a fair statement?

A. Yes, I have heard that this was stated in court by, I believe, Dr. Ter Meer, that on new expenditures we thought they would correspond approximately to the depreciation, and, the depreciation during these years must have been somewhere in the neighborhood of 100 millions, and this shows that the expenditures of 1925 and 1926 were normal, and that the expenditures in 1927, 1928 and 1929 were above an average.

Q. Would it be a fair statement to say considering what happened to Farben after the First World War, that the expenditures for installations for the years of 1926, 1927 and 1928 could not be considered as a norm of its business?

A. Well, a new expenditure for 1927 and 1928 exceeded the norm to a considerable extent, that can not be denied. I suppose this also includes the first big expenditures for the new gasoline installations. These are to be new developments which naturally must be regarded separately.

Q.- Now, will you please look at the figure opposite the year 1936, where you indicate an expenditure for new installations of one hundred eighty-one million (181,000,000) Reichmarks. Now, Dr. Struss, is it a fact that in these figures you show only the amount actually spent for installations and you do not show the credits approved during that year by the TEA; is that correct?

A.- Yes, that is correct; but in the long run these differences must always balance out.

Q.- Now, then, in 1936, for instance, in addition to the figure of one hundred eighty-one million (181,000,000) Reichmarks which you listed there, is it not a fact that during this same year the TEA agreed and committed itself to spend in addition one hundred ninety million (190,000,000) Reichmarks for the Schkopau Plant; is that correct?

A.- I didn't quite understand the question. I don't quite know what you meant. Perhaps you could repeat it.

Q.- Yes, I will. Now, according to the document, in 1936 there was an expenditure of one hundred eighty-one million (181,000,000) Reichmarks. My question is, is it not a fact that in the same year the TEA made a commitment to spend an additional one hundred ninety million (190,000,000) Reichmarks for the Schkopau Plant?

A.- What plant did you say? I didn't understand the name of the plant.

Q.- The Schkopau.

A.- The Schkopau. Yes, I am sure that is correct. I haven't got the documents here, but I presume that something in the nature of this amount must have been available in 1936 for the planning of the Schkopau Plant. Of course it is always the case in such cases that a lump sum has to be agreed upon in advance for a big plant. But of course one knows that it can't all be spent in one year but that an expenditure of this kind is distributed over two or three or even four years and that happened here. The

credits were always ahead of the expenditures.

Q.- And this document, No. 51, only deals with the actual expenditures, is that right?

A.- Yes, only the actual expenditures for the year.

Q.- Now, then, do you have before you, Dr. Struss, Exhibit 43, Document 57?

A.- 57? Yes.

Q.- Now, I draw your attention to Item 2, indicating the number of products coming within the classification of "organic intermediate products" Now, Dr. Struss, is it not a fact that in that field about one hundred and fifty (150) products were classified as early 1936 as being secret for military purposes? Is that a fact?

A.- Not the way you put it. I presume that you are referring to a chart which must have been made out by Herr Flotho and which mentions one hundred thirty-three (133) products. I was only able to see a photostat of this list and a very bad one. But I was able to see that quite a number of these one hundred thirty-three (133) products have not been filled out so that in the case of a number of products there is no turnover listed at all, and that decreases the number of one hundred thirty-three (133). And, in addition, you can only say that in 1936, this year, this list was started and in the first year it can only have contained very few products and I do not think that this list was made out in 1936, but I believe that this list with the names "special products", was only made out during the war. But I can't give you any certain information about this. You would have to ask Herr Flotho, who made it out, about it.

Q.- In any event, is it a correct statement to say that within the organic intermediate products classification one hundred thirty-three (133) to one hundred fifty (150) products were classified as secret for military purposes during the period 1936 to the end of the war or from 1936 to 1939? Is that a correct statement?

A.- No, it would not be correct. I have already said that for the whole period these one hundred thirty-three (133) products weren't all filled out on the list -- which, incidentally, was very difficult to read. During the first years -- 1936, 1937, 1938 -- there was only a small number of the one hundred thirty-three (133) products filled out. I can only say this from memory, but it would be a mere detail to count up these years. During these years, nothing like one hundred thirty-three (133) products were sold for military purposes, but I must repeat I am not competent to talk about these matters. I saw this list for the first time a few weeks ago. It contains products of which I did not even know the names.

Q.- Dr. Struss, do you have before you Exhibit 47, Document 61, which is the chart?

A.- Just a moment. Oh, yes, 47 is the graph. Total I.G. turnovers.

Q.- And is it correct that that chart indicates the turnover in the form of gross sales, money, is that right?

A.- Yes, in millions of Reichmarks.

Q.- Now then, according to that chart is it correct that if you exclude the four strategic products -- namely, electron metal, synthetic rubber, synthetic gasoline, and synthetic rayon -- that if you exclude those four strategic products, the chart purports to show that Farben's turnover in 1939 was the same as its turnover in 1928? Is that what the chart purports to show?

A.- Yes, among other things. From the chart you can see, firstly, the trend as a whole, and secondly you see that if these four newly developed products are excluded, the I.G. turnover in 1939 was about the same as in 1928 and 1929.

Q.- So that is this correct, Dr. Struss? Looking at that chart and excluding the four strategic products that I mentioned, the chart would indicate that Farben's turnover in 1939 was the same as its turnover in

1928. Would that be what the chart shows?

A.- Yes, it does.

Q.- Now, Dr. Struss, is it not a fact that in the year 1928, sixty per cent of Farben's production went to the export market? Is it a fact?

A.- I can't tell you this figure from memory, but it is quite possible. But I think sixty per cent is too much. In Department 2, this probably was sixty per cent, but not in Department 3 and certainly not in Department 1, which as you see clearly from the chart that Department 1 for 1928 and 1929 had every high participation and as a result I think it is out of the question that in 1928 and 1929 sixty per cent of the I.G. turnover went into export because Department 1 had hardly any export. Department 3 also had no very important exports. Artificial rayon is only for Germany. I have the correct figures in my papers. As far as I remember, I gave the Prosecution these figures but I don't carry them in my head. From a chart which I have here, I can give you a more or less accurate picture. In 1929, about twenty-seven per cent of the turnover of I.G. was in the more narrow sphere of dyestuffs with an export turnover of approximately sixty per cent. About eighty per cent came from the pharmaceutical field with an export turnover of approximately seventy per cent.

Q.- Could it — please excuse the interruption, Dr. Struss, because rather than have you go through the detail computation I want to show you a chart with the overall figures and I think that might help. Now I show you, Dr. Struss, Document NI-14236, which we offer as Prosecution Exhibit 2307 in evidence. Now that chart is a compilation of the turnover statistics in Reichmarks for the year 1928 and it is a compilation of Farben's Central Bookkeeping Department. Now the second half of that chart where it has "total, excluding nitrogen fertilizer", and they have the total for the year 1928, you will see the total of one billion twenty-two million, two hundred seventy-five thousand, eight hundred forty-eight

(1,022,275,848) and then you will see exports six hundred six million (606,000,000) approximately. Now, Dr. Struss, does this document refresh your recollection that of the total turnover of Farben in 1928 about sixty per cent was for the export market?

A.- No, that is not correct. In column, in Department 1, for fertilizer, there above was a turnover of four hundred million (400,000,000) for the year, you can see that and that is not included here. More than four hundred million (400,000,000) -- that is, in fact, four hundred sixty -- and if I deduct technical nitrogen, it was four hundred million (400,000,000) Reichmarks only for fertilizer and none of this went in exports. As a result, this figure is wrong.

Q I am sorry, Dr. Struss, I didn't understand you. Are you testifying from Document 14236, Prosecution Exhibit 2307?

A No. There is a turnover of one billion (1,000,000,000) and the four hundred million (400,000,000) for technical nitrogen are not included, which were not exported. If you add this figure, then you have one point four (1.4) billion total turnover of I.G. and approximately six hundred million (600,000,000) for exports, so that is a percentage which is far below the half, something like forty per cent and not sixty per cent.

Q Well, I think it will be helpful, Dr. Struss, if you take each item separately. Now, this document deals with two matters: one, the figures of technical nitrogen and the other the figures on the overall turnover excluding the technical nitrogen or excluding the fertilizer nitrogen. Now....

A No. That is a mistake. These are the total figures without nitrogen fertilizer. That is a considerable difference because technical nitrogen included only seventy-six million (76,000,000) and nitrogen fertilizer amounted to four hundred million (400,000,000) and these are not included in the total as your list shows. The heading —

Q All right. Now, first let's take the list as shown by the document and after we explain that, then will you be good enough to make any additions which do not appear on the list?

A Yes.

Q First, we will have the total turnover without the fertilizer nitrogen. Now will you please look at NI-14236, Exhibit 2307? Now there you have 1,022,275,848. Now is it correct that that is the total turnover without the fertilizer nitrogen? Is that figure correct?

A Of course it is not possible to say this with absolute certainty, but as I have just seen that nitrogen fertilizer turnover amounts to 400,000,000 in 1928, this figure of 1,022,000,000 is correct.

Q All right. Then if you will just give me two figures, I think we will have the answer. First, give me the percentage of export of total turnover in 1928 without the nitrogen fertilizer; then give me the percentage of export of turnover in 1928 with the nitrogen fertilizer included. Do you understand my question?

A Yes, just a moment. Question No. 1, the percentage is approximately sixty per cent, almost exactly sixty per cent.

Q All right.

A Question No. 2 --

Q Before you come to No. 2, let me see if I understand that. In 1928, of the total I.G. turnover, excluding fertilizer nitrogen, the export was sixty per cent; is that right?

A Yes.

Q Now go ahead.

A Including nitrogen fertilizer, the turnover amounted to approximately forty per cent -- that is the export turnover, about forty per cent. That is 606,000,000 deducted from 1,420,000,000.

Q Now then, in the year 1939, is it not a fact that only twenty per cent of its total turnover was for the export market?

A I don't remember these figures, but I gave them to the prosecution some considerable time ago and of course I can look them up in my papers, but from memory of course I can't give you things of this kind.

Q Now, I show you this book, which is identified as NI-14233, which we mark as Prosecution Exhibit 2308 for identification, and it is the original document and in German, and I hand that to you, Dr. Struss, and I ask you whether or not that document refreshes your recollection that in 1939 of the total turnover twenty per cent was for export?

A This chart, apparently made by Dr. Dencker, is not complete. Obviously it again does not include nitrogen, but in this case I suppose-- well, I see from it that the entire turnover is given as 1,683,000,000 and the entire turnover of I.G. in 1939 amounts to nearly 2,000,000,000--

— that is, 1,989,000,000. So more than 300,000,000 are not included in this chart of Dr. Dencker's. It would be better if my own chart could be submitted, where I have included all turnovers.

Q Well, looking at that document that you have before you, NI-14233, which is Prosecution Exhibit 2308 for identification, could you tell me what kind of a document that is? Please describe it for the record.

A It is an original document of Herr Dencker's, of the Central Bookkeeping Department. I am sure it is correct in itself, but it can't be that the turnover of I.G. was 300,000,000 marks less than given in my chart. That is absolutely out of the question. At the moment, I cannot see where the discrepancy lies.

Q Well, is it a fact that Exhibit 2308 for identification, which you have before you, is an official record of I.G. Farben, of the Central Bookkeeping Department? Is that a fact?

A Yes, that is correct.

Q Now then, based on the figures shown in that document, could you give me the percentage with respect to the 1939 turnover that went for the export market? In all fairness to you, Dr. Struss, I will merely ask you first to give me the percentage based on the figures as shown by this document from the Central Bookkeeping Department; then if you have other figures of your own which you think modify or change them you are at liberty to make such explanation as you deem necessary. But first, using the figures as shown by the official records of the Central Bookkeeping Department, which appear in Exhibit 2308 for identification, could you please tell me what percentage of the 1939 turnover was for the export market?

A Could I just have a moment? I must calculate it.

Q Yes, go right ahead.

A According to Herr Dencker, a good twenty-five per cent went into export turnover.

Q Now then, according to Dencker's figures, based on the document you have before you — Before proceeding further, Dr. Haber suggests to me that you recalculate that figure because his computation shows twenty per cent rather than twenty-five per cent. Would you mind recalculating your figures?

A No. Oh, I beg your pardon. I made a mistake, and this nullifies my other statement too. I took the top figure to be the total, that is 1,683,000,000. That is only the inland figure and that of course cancels what I just said and I must correct myself. Yes, according to this, Herr Dencker's figures correspond to mine. That is a very strange set-up here—that is, that the sum, the total turnover, is not filled out. I do not know whether you noticed that.

A (Cont'd) Here it says, "total turnover", and that is how I came to make this mistake, so it is correct that the turnover of I.G. in 1939 was 20 percent. The document is correct.

Q I am sorry, I didn't understand your last answer. Is it — did you say that 1939, of the total turnover 20 percent went to the export market, is that your testimony?

A Yes.

Q Now then, on the assumption based on your testimony a moment ago that in 1928, 60 percent of the turnover went for the export market, that is excluding fertilizer nitrogen, and on the further assumption which you just testified to that in 1939, of the total turnover 20 percent went to the export market, taking those two facts into consideration, is it not a fact, Dr. Struss, that the total production of Farben in 1939 for German consumption was in fact twice as great as the production in 1928? Do you understand my question?

A Yes, I have understood the question, but you are starting from a completely false supposition. In 1939, you have included the turnover in nitrogen fertilizer, and in 1928, you have deducted the 400,000,000 turnover which were included for Germany. You can't do that, we must include nitrogen.

Q That is correct, your observation is entirely correct. Will you therefore take the same comparative basis; then, according to your own testimony, if you include fertilizer nitrogen, in 1928 the export figure you testified to was 40 percent, is that right?

A Yes, that is correct.

Q And the export figure for 1939, including the nitrogen fertilizer, using the same base, is 20 percent?

A Yes.

Q Now then, could you tell me how much greater was the total production — I am speaking of production now for German consumption — in 1939 over 1928?

A In 1929, rather more than double the amount went for German consumption.

Q You mean in 1939?

A 1939, somewhat more than half went for German consumption than in 1928. In 1928, it was a little over 800,000,000 and in 1939 it was about 1.7 billion. I hope that I worked it out correctly this time.

Q Now then, Dr. Struss, getting back to Exhibit 47, Document 41, where the chart indicates that if you took the turnover as a basis for comparison, you would get, excluding the four strategic items, the same turnover in 1928 as in 1939; now then, if you were to take --

A Yes, that's right, only the expression "strategic" means is not what I mean by that, because --

Q I mean the four products that I mentioned which are listed on the chart.

A Yes, I see, if you mean these products, but that without these four products, or I had better say groups of products, the turnover of I.G. was the same as in 1928, approximately.

Q The turnover in 1939 was the same as 1928?

- A After deducting the four big new products, yes.

Q Now, is it correct that based on the same chart, if you used production as a basis of comparison and not turnover sales, the production for German consumption in 1939 is about twice the production in 1928, is that correct?

A Yes, that is correct, but you must take into consideration that these new product groups had been added, and of course they opened up a new export market, a new market.

MR. AMCHAN: I think this would be a convenient recess time.

THE COMMISSIONER: We will take about a fifteen or twenty minute recess.

(A recess was taken.)

(The Commission resumed session.)

Q Dr. Struss, do you have before you Ter Meer Exhibit 48,
Document No. 62, that is the chart?

A Yes.

Q Now, Defense Counsel, in offering that document in evidence,
called attention to the fact that the dyestuff production reached its
high point in 1928, and that never again since that time did Farben's
production reach such a point. Now, my question to you, Dr. Struss,
is, was dyestuff considered a strategic material?

A No, certainly not.

COURT INTERPRETER: I am afraid it is your earphones.

Q. Now, looking at that chart, Exhibit 48 for Ter Meer, is it not a fact that in the fields other than the dyestuffs Farben's production since 1936 increased more rapidly than at any time prior to Hitler's seizure of power?

A. That is correct, except for the pharmaceutical products. In the case of pharmaceutical products, I can say here that for the years 1926, '27, '28 and '29 you have an increase which as far as the percentage is concerned exceeds that of 10 years later, meaning '36, '37, and '39, but for all the other cases your statement is correct.

Q. Well now, looking at the pharmaceutical figures, in 1935 the graph indicates that the turnover exceeded the high point, the previous high point of 1931; is that right?

A. Yes, that's correct.

Q. And 1936 was higher than '35, '37 higher than '36, '38 higher than '37, and so on; isn't that right?

A. Yes, that's correct.

Q. Now, have you before you, Dr. Struss, Exhibit 39, Document Number 63 Turnover?

A. Yes, I have it.

Q. Now, am I correct in assuming that that document represents the Farben turnover in Reichsmark and does not purport to represent the production figures or comparison production marks; is that right?

A. Yes, that's right.

Q. Now, may I direct your attention to —

A. The other chart we had before, incidentally, 48 and even 47, expressed the turnover everywhere in Reichsmark. Therefore, you can draw no direct parallel with the fabrication; at least not with great exactness in all cases, but in general it is all parallel development, turnover in Reichsmark and the production in tons.

Q. Well, do these charts, Exhibits 47, 48 and 49, purport to

represent anything with respect to production or were the charts limited to turnover in respect to Reichsmark?

A. This is only and alone the turnover in Reichsmark.

Q. Now then, looking at Ter Meer Exhibit 49, Document 63, I draw your attention to the charts dealing with technical nitrogen. Do you see that?

A. Yes.

Q. Now, that chart shows, does it not, that as to technical nitrogen the turnover in 1928 was the same as the turnover in 1939? Is that what the chart shows?

A. Yes. '28 and '29 there are almost identical with 1930.

Q. Is it not a fact, Dr. Struss, that the production of technical nitrogen in 1939 was twice as great as the production of technical nitrogen in 1928?

A. I have no documentary evidence for such an assumption and I can not give you any exact information with regard to this matter either. I would say that I don't believe that that is correct, but as I say I can not construe that and confirm it from my memory.

Q. Now I show you document NI-14232, which we offer as Prosecution Exhibit 2309. This is a graph showing the development of I.G. Farben's nitrogen production from the years '27 to '38, and you'll notice that space between the two lines which is labelled "technical nitrogen". Now, you'll note in 1928 and '29 the difference between 548,000 tons and 598,000 tons as being the production for technical nitrogen and you'll also note that for 1938 the difference between 476,000 tons and 390,000 tons represent the production of technical nitrogen. Now, does this document refresh your recollection that in 1938 or '39 the production of technical nitrogen was twice as much as the production of technical nitrogen in 1928?

A. You mean to say '28 - '29, don't you?

Q. That's right.

A. Yes, I say that already, '28 - '29 the technical nitrogen produced amounted to 50,000 tons and in '37 - '38 it amounted to 86,000 tons. That is an increase by more than 70 percent; that's correct. In other words, it would be the same as to say it was increased from 100 to 172. That means, additional production of 72 percent. This fact must be connected with the situation that the prices of technical nitrogen had decreased in the meantime -- decreased in the meantime, and therefore this increased in production is not expressed in the graph for Reichsmark turnover -- for turnover in Reichsmark.

Q. Now, to bring the figures up to date, to 1939, I show you Document III-14234, which we offer as Prosecution Exhibit 23104 for identification. Please take a look at page 8 of the document, and tell me what the document represents and what the production figure for 1939 of technical nitrogen is?

A. The production figure 1939 there is indicated for the whole Combine as 44,000 tons. For incorporated plants, with an additional 29,000 tons, and for the own use of the I.G. Farben they list approximately 35,000 tons, which gives you a total of 108,000 tons of nitrogen.

Q. Is that 108,000 tons of technical nitrogen? Is that technical nitrogen?

A. Yes, Technical nitrogen. That's the production of the year 1939 and this is doubtlessly copied from an official document of the I.G. Farben, but I think that during those years there were constant developments in the field of technical nitrogen too and as far as I know urinal is also contained in the technical nitrogen, and this urinal is used as a glue, as a replacement for glue, and not for direct purposes pertaining to the armed forces. And if you want to be quite precise there you would have to indicate also the use of the technical nitrogen and the way its production was split up into various fields. I don't know whether the corresponding figures are contained in this document

here.

Q. Well, for the time being, do I correctly understand you to say that according to the document before you, Prosecution Exhibit 23104 for identification, in 1939 the production of technical nitrogen was 108,000 tons; is that correct?

A. Yes, that's correct.

Q. Now then, if you compared the production in 1939 of technical nitrogen with the production of 1928-1929, which you had a moment ago in Exhibit 2309, NI-14232, if you make that comparison, could you tell me how much greater was the production of technical nitrogen in 1939 over the production in 1928?

A. 112 percent. Excuse me. No, I made a mistake. 116 percent. 116 percent more.

Q. Do you recall a moment ago when you were considering Prosecution Exhibit 2307, that is NI-14236, that you stated that 1928 — of the 1928 production 60 percent of the technical nitrogen was exported? Remember that?

A. No, I don't remember, but I think that I just it on the affidavit. Yes, that's correct. For 1928, that is about 60 percent.

Q. So we are correct, then, that in 1928 of the total production of technical nitrogen 60 percent was exported; is that right?
Technical nitrogen?

A. According to the figures drawn up by Herr Denker, that is correct.

Q. Now then, do you know that of the production of technical nitrogen in 1938-'39 only 11 percent was exported? Do you know that?

A. No, this figure is not known to me. At least not from memory.

Q. Now then, I show you a document which has already been offered in evidence and is identified as Document Buetevisch Number 104, and it's Table 2 of Dr. von Kenler and it shows the German nitrogen sales. I hand you that document, Dr. Struss, and call your attention to the last column under '38 - '39 which deals with nitrogen for industrial purposes, and you'll see under "none sales" the figure 105,000 tons and "export" 13,000 tons. Now will you please look at that document and tell me whether or not it is correct? That of the 1938 - '39 production of technical nitrogen 11 percent was export?

A. With regard to this graph I can not make any final statements because the graph is not known to me and I don't know the man who has drawn up this affidavit either, but I do think that the figures listed here are correct. However, I can not confirm it myself.

Q. Now, on the assumption, Dr. Struss, that the figures as stated in Buetevisch Document Number 104, which you have before you, are correct -- on that assumption can you state--

(Off the record statement by Commissioner)

Q. On the Assumption that the figures in Buetevisch Document 104 are correct, can you say that that document refreshes your recollection that of the 1938-1939 production of technical nitrogen 11 percent was for export?

A. I can not recall it but I do believe that this figure is correct. And I would like to follow your suggestion, namely, that if this

is an affidavit by Dr. Buetevisch that this affidavit certainly is correct.

Q. Now, I am saying it is a document offered by Dr. Buetevisch and identified as Buetevisch Exhibit 104. It is an affidavit of Dr. von Kenler. Now the figures -- Will you please read ----

A. Dr. von Kenler, yes.

Q. Will you please read in the record the figures for '38 - '39 technical nitrogen production and indicate how much was for domestic use and how much was for export of technical nitrogen?

A. Well, the total figure for technical nitrogen was 118 millions. Out of these 118 millions, 105 were for domestic consumption and 13 millions for exports.

Q. Well, now ----

A. However, here we must take into consideration what I just see now, namely, that these includes all the German nitrogen sales, while before we talked only of the I.G. Farben, and that is quite a difference, you know.

Q. Do you know whether the I.G. Farben percentage of export in '38 - '39 of technical nitrogen was the same percentage as the general export for Germany? Do you know?

A. Well, if you ask me that question I have to make a short comment. For years and years I endeavored to ascertain these matters with precision; however, neither the office of Sparte I, that is Dr. Goldberg, nor the Central Accounting Office were ever in a position to give me exact figures for the I.G. Farben. The explanation for that is the peculiarity of the German Nitrogen Syndicate, and, therefore, I went to the TMA office and there I always applied the figures for the I.G. Farben and I assumed that the part of the I.G. in the average is in line with the general percentages for the Syndicate.

Q. All right, now, assuming as you have already testified that in 1939 the production of technical nitrogen was approximately double the

amount of the production of technical nitrogen in 1928 and assuming further that of the 1928 production 60 percent was exported and of the 1939 production 11 percent exported -- taking all those factors into account, is it not a fact, then, Dr. Struss, that for the year 1939 the production of technical nitrogen for German consumption was five times as great as the production of technical nitrogen for German consumption in 1928?

Do you understand my question, Dr. Struss?

A. Yes. But may I figure that out for a minute?

Q. Go right ahead.

A. If I take these figures my result is the following: In 1928 the whole consumption was 20,000 tons. In 1939 the home consumption was 96,000 tons. However, I assumed there in this calculation that the prices for home consumption and exports were the same, which must not be necessarily correct.

Q. Do I correctly understand your testimony that, taking all the figures into account which I just mentioned, the production, the amount in tonnage for German consumption of technical nitrogen in 1939 was five times as great as the tonnage consumed in 1928 by Germany from German production of technical nitrogen? Is that correct?

A. Approximately correct. But for that we have to assume that the export and home consumption prices were identical.

Q. What effect, if any, would follow in your calculations and your opinion if you made an allowance for the differences in prices of technical nitrogen at home and abroad? What effect would it have on the actual tonnage consumed in Germany of technical nitrogen in 1928 or 1939? Would it have any effect on the actual consumption of technical nitrogen?

A. Sure. Because the percentage of 60 percent in 1928 is calculated on Reichsmark and not on tonnage. Now if, as it could be--it is only an assumption I make--the export price were twice as high as the home con-

sumption price, then in 1928 a much larger percentage would have been used in Germany, but I cannot give you any definite information with regard to that. Of course, not.

Q. Now, do I correctly understand your last answer to be of a speculative character -- what would have happened if the prices had been equalized? Do I correctly understand that to be the nature of your testimony?

A. No. If the prices were equal in Germany and abroad then your concept would be correct, Mr. Prosecutor, namely, that in 1939 approximately five times as much technical nitrogen was used in Germany than as in 1928, but if the prices underwent strong differences and if the export prices were much higher than the home consumption then this relation would vary accordingly. But, at any rate, the fact remains that in 1939 the home consumption of nitrogen was much higher than it was in 1928. That's a fact.

Q. As a matter of fact, in 1928 wasn't the export price of technical nitrogen the same as the domestic price?

A. Well, really, I'm not at all informed about these matters and I cannot give you any binding testimony with regard to that.

Q. Well, would this be a fair statement on this point, then, Dr. Struss, that as a matter of fact in 1939 the German consumption of technical nitrogen was five times the German consumption of technical nitrogen in 1928? Is that a fair statement?

A. No, this allegation can only be made if you assume that home consumption and export prices were approximately identical; otherwise, that allegation is wrong.

Q. I am sorry, then, Dr. Struss, I don't understand your testimony, and I'll have to ask further about it. Could you tell me what the fact is on actual tonnage production of technical nitrogen for German consumption for 1939 as compared with 1938, just tell me what the fact is?

A. 118 percent in 1939, in addition to what had been consumed in 1938, but there we have the gap now. We don't know what the percentage in tonnage was after the exports in 1928 because you have submitted to me only graphs which show the sales value, that is, in Reichmarks, and it would be necessary to show me the production figures and the quantities exported and used on the home market. From the Reichmark figures the conclusion as to the tonnage is not safe as long as you don't know whether the prices were identical for home consumption and for export.

Q. Well then, Dr. Struss, if you take the total turnover for a given year, such as 1928, and the figure shows that of the total turnover 60 percent were exported, isn't it a fair assumption that 60 percent of the total tonnage produced, included in those figures, were exported? Wouldn't it be fair to say that the same percentage of tonnage was exported?

A. No, you cannot conclude that at all.

Q. What could you conclude?

A. The conclusion you can make is that at any rate the home consumption of technical nitrogen in 1939 was several times as high as in 1928, but you cannot say with certainty that it was approximately five times as much; at least, from the figures you have submitted to me, you cannot allege that.

Q. Would five times be a fair approximate statement?

A. No, that wouldn't be a good approximate statement because I rejected it before, and I have to reject it as long as you cannot furnish proof to me that in 1928 the price of export and the home consumption were the same, that is, if you cannot submit to me the production figures for that year also for 1928.

Q. Now, if you were to assume that the export price in 1928 was the same as the domestic price, if you could take that assumption, would it then follow on your calculations that the --

A. Yes, I have answered that question in the affirmative already. If you could assume that the prices were the same, then it would be about five times.

DR. BORNEHANN (Counsel for the Defendant ter Meer): I object against this line of questioning, Your Honor. We are only speculating here now, and we have assumptions; and after all, the witness cannot answer that. He is supposed to be cross-examined only with regard to Document 63, Exhibit ter Meer 49, not with regard to some assumptions which are some sort of a puzzle or calculations or something.

MR. AMCHAN: Obviously this is a technical subject matter. The exhibit refers to a chart and it refers to matters which necessarily require calculation. And my understanding within a technical field, we are examining a technical expert -- and I might say that this witness has been a witness before the Tribunal several times -- and the record is quite clear as to his technical qualifications -- within that area where we have to examine on technical matters, I think it quite proper to examine as to the basis of his opinion and to call to the attention of the witness certain facts and inquire whether or not and to what extent those other facts may or may not alter his opinion, and if so, to what extent.

DR. BORNEHANN: The last questions of the Prosecutor did not refer to facts. They were merely hypothetical. The questions were headed by "now let's assume once, and so on and so forth." In this form, I

think the questions were not proper and not admissible.

THE COMMISSIONER: Of course, the Prosecution is supposed to stay within the scope of his affidavit on cross examination, but the objection is in the record, and we will let him answer.

MR. AICHAN: I just might add one additional word. Of course, as I understand the practice, when you have a technical witness, certain type of hypothetical questions of a technical subject are entirely proper.

THE COMMISSIONER: An expert is supposed to be able to answer anything.

BY MR. AICHAN:

Q. Dr. Struss, do you have before you ter Meer Exhibit 50, Document Number 64?

A. No, unfortunately, I don't have this document. Yes, now I have it.

Q. Now, will you look at the second paragraph of your affidavit, you refer to the period beginning with 1936 and '37 and you refer to the control exercised by the Reich officials over the affairs of I.G. Farben, and then you have this sentence, and I am quoting. "The allocation of iron for the majority of I.G.'s work was made through the Reich Office for Economic Development." Now, is it not a fact that Dr. Krauch was the head of the Reich Office for Economic Development?

A. At that time, that is at the beginning, no; but later that is doubtlessly the case.

Q. What period of time, when you say later, do you mean?

A. I do not recall exactly when Professor Krauch became chairman, but at the beginning he was only third, or deputy chairman, and only later when General Loeb resigned -- and I think that was in 1936 -- Herr Krauch held a responsible position for the first time. The restrictions of iron allotments started in 1936 and 1937.

Q. Now, you state in your affidavit as follows: "The Reich Office officials in a more and more ruthless manner interfered with the internal affairs of I.G." Now, Dr. Struss, could you please tell me of the main

instances where there was ruthless interference by the Reich Government officials in the affairs of I.G.?

A. I considered it a ruthless interference when the officials demanded that they would be accorded the right to inspect I.G. Farben plants, that later on they even demanded that they were to be taken to the laboratories and that eventually they pushed their demand so far that they actually wanted to be acquainted with processes which were being developed and not yet ready for production. This refers almost only to the personality of Dr. Eckel who was not necessarily the only official of Herr Krauch, but who to my opinion was at the same time an official of the Reich Ministry of Economics. Now, this interference by Dr. Eckel was not criticized only by the I. G. Farben, but also by the whole of the other industries and considered extremely ruthless in nature as well as in form.

Q. Do I correctly understand then the meaning of your expression "Ruthless manner of interference on the internal affairs of I.G. Farben" to relate only to the activities of Dr. Eckel who was an official in Krauch's office? Is my understanding correct?

A. Not only and exclusively, but mainly the activities of Dr. Eckel. It was generally found exception with.

Q. Now, could you give me the principal instances regarding Dr. Eckel's activities and ruthless interference in the internal affairs of I.G. Farben and will you also please indicate the time when those particular ruthless activities occurred?

A. That they took up this ruthless manner occurred only very late. If I just mentioned that Dr. Eckel even demanded that he be taken into the laboratories, in the scientific laboratories of the I.G., then that was only certainly as late as 1941 or 1942; but ruthless interference had taken place before that. I can recall that in my presence when I was in the room of Herr ter Meer about 1938 or 1939 we had a phone call from Herr Eckel where he demanded to be called into negotiations which we had considered a very impertinent interference into our affairs; and I

recall exactly that at the time Dr. ter Meer was very excited and said, "I am a private industrialist." In other words, we believed that we did not have to tolerate such interference.

Q. What year was that?

A. That must have been '38 or '39; according to my opinion it was before the war, but you will understand that I cannot recall such occurrences of which I have not taken notes. Now, after ten years, I cannot bind myself with regard to a date.

Q. Now, with regard to the particular occurrence about Dr. Eckel that you just mentioned, what happened? Did he actually acquire access to I.G. Farben secrets, did he actually participate in the meeting you refer to?

A. Yes, he forced our hand; however, he did not succeed in penetrating our laboratory secrets. That was quite a different matter. There we had some better means of protection, but as far as negotiations were concerned, we had no way of protecting ourselves, and in the last analysis we needed his iron quotas and had to accept them as he allotted them to us.

Q. Is it not a fact that at that time Dr. Krauch was the superior of Dr. Eckel, isn't that a fact?

A. No, I am not so sure about that because I heard that Eckel at the time already had joined the Reich Ministry of the Interior as an official. He had transferred to that ministry and was now acting from two agencies in his capacity as a member of Krauch's Office as well as an official of the Reich Ministry of Economics. I am sorry, I made a mistake before. I didn't mean the Reich Ministry of the Interior as I said before. I mean the Reich Ministry of Economics.

Q. So at the time of this incident, your best recollection is that Dr. Eckel was an official of Krauch's office and also an official of the Reich Ministry of Economics, is that right?

A. That is true, that is my recollection.

Q. Do you recall whether you complained Dr. Krauch about Eckol's interference?

A. I personally never complained or never had cause to complain about Eckol. He was always very polite to me, and I never had any disputes with him.

Q. I mean, did the responsible officials of I.G. Farben, for Hoor and the other Vorstand members complain to Dr. Krauch about Eckol's interference, or as you term it, "Ruthless interference"?

A. Well, yes, that is what I call it, but such a case of a complaint to Herr Krauch did not come to my knowledge at least, or if it did come to my knowledge, I don't remember it.

Q. Well, now, on this subject matter, do you intend to say in this affidavit, which is Document 64, Exhibit 50, that prior to September 1, 1939, there was so much interference by Reich Government officials in I.G. Farben's affairs that I.G. Farben did not have a free will of its own, do you mean to say that?

A. Well, at the beginning of the war, I wouldn't say that, at least not strictly speaking. Of course, the situation became more and more stringent as the war went on, and this situation pointed out here in the minutes, according to my estimate, must have taken place in 1942. I don't think I gave you a date. No, no, I didn't.

Q. Now, my question is limited for the moment to the period prior to September 1, 1939. Do you maintain that prior to September 1, 1939 the interference, the ruthless interference, in the internal affairs of I.G. Farben by the Reich Government officials was of a nature whereby Farben did not have any free will to do business in its own way?

A. No, before the war, you cannot express it so strongly, certainly not; but you must say that even before the war quite considerable interference took place.

MR. AMCHAN: This might be an appropriate time for a recess, Your Honor, and I think in view of the nature of the subject matter of this cross-examination, counsel for Defense should be reminded that the

COURT VI CASE VI
13 Apr 46-9-7-M-AEH-Perrin (Troidoll)
COMMISSION

witness is still under cross-examination and should not be communicated with during the recess.

THE COMMISSIONER: The Commission will take a recess now until 1:30, and the Defense is reminded that the witness is placed on cross-examination, and he is not to be communicated with until he's finished.

(The Commission recessed until 1330 hours.)

AFTERNOON SESSION

(The Commission reconvened at 1330 hours, 13 April 1948.)

THE MARSHAL: The Commission is again in session.

DR. BORNEMANN (Counsel for the Defendant Ter Meer): All the Defense counsel were informed of the continuation of the proceedings.

THE COMMISSIONER: Very well, the record will so indicate.

ERNST STRUSS -- Resumed

CROSS EXAMINATION -- Continued.

BY MR. AMCHAN:

Q. Dr. Struss, do you have before you ter Meer Exhibit 36, Document 65?

A. Yes.

Q. Now, isn't it a fact, Dr. Struss, that prior to 1 September 1939 the TEA was informed of the fact that the Verwert-Chemie was operating as trustee for the Reich? I'll have to repeat the question because of the technical difficulties.

Dr. Struss, prior to 1 September 1939, is it not a fact that the TEA was informed of the details with respect to the operation by the Verwert-Chemie of five explosive plants which the Verwert-Chemie was then operating as trustee for the Reich, is that a fact?

A. No, I know nothing of that. I am not conscious of ever having heard the name of the Verwert-Chemie until I worked in the Control Office of I.G. Farben after the war. It is possible, of course, that this name may have been mentioned by Herr Mueller once, but I don't think so because Herr Mueller, a representative of the Dynamit A.G. never talked about these things in the TEA.

Q. I show you, Dr. Struss, Document NI-15062, which we offer as Prosecution Exhibit 2311. This document is an auditor's report as of 31 December 1936 on Dynamit A.G.; and if you will look on the second page, you'll note the date 24 August 1939, and then a stamp, "Received, in the office of Technical Committee, 29 August 1939." And also that this report is addressed to Geheimrat Basch, Director Gajewski, Office of

the Technical Committee, Frankfurt. That is the TEA is it not?

A. Yes.

Q. The ZEFI of the Central Final Department, and the Berlin NW-7, and your initials appear on that page, do they not, Dr. Struss?

A. Yes.

Q. Now, does this document refresh your recollection that the TEA was informed of the plants operated by Verwert-Chemie --

A. No.

Q. -- and the military explosives being manufactured in those plants, does it refresh your recollection?

A. Not, not at all. May I say something about this. I see that in this document -- well, first of all I see my own initial, and there is no doubt that I must have had this document in my hands, that I looked it through, and on pages 12 and 13 I see, and on page 12-A as well -- perhaps I may read that: "In addition, the G.m.b.H. for the exploitation of chemical products whose capital stock is entirely in the hands of DAG as trustee for the processing company for the Montan Industry, G.m.b.H., Berlin, the following factories..." And then five factories are listed, and I see that I marked these five factories in red pencil, so I am sure I at least glanced through this page 12-A, but the name Verwert-Chemie did not remain in my memory, and you must bear in mind that the name Verwert-Chemie was of no significance to me at that time because nobody ever explained this name to me and nobody told me how and in what form this company was founded.

Here I put in a sheet of paper, too. This is signed, "TEA Office, 2 September 1939." On it I wrote down the names of the Dynamit A.G. plants and their investments, but no plants of the Verwert Chemie, and you will admit, if you read page 12-a, that the abbreviated name, "Verwert Chemie", which afterwards passed into common usage is not mentioned on this page, I must repeat that I consciously heard this name for the first time after the war and at that time only learned of its extent.

DR. BORNEHANN: I would like to interpolate a question. Has this document been introduced only for identification or as an exhibit? The extracts which have been handed to the Defense do not contain all the parts just read by Dr. Struss.

MR. ANCHAN: The document is offered in evidence and not for identification. The mimeographed copies which are handed to Defense Counsel contain excerpts of the document. What the witness has before him is the original unabridged, and according to the established practice, when a document is offered in evidence, the Secretary-General gets a photostat of the original of the entire document which is available to the Defense for its inspection, and they can use the entire document for any purpose they see fit. The fact that we only processed and mimeographed a portion of the document really is irrelevant. It just follows the general practice, and Counsel is, of course, at liberty to use the entire document or any part of it that he sees fit.

DR. BORNEHANN: Thank you.

MR. ANCHAN: I might add that the particular pages as to which the witness testified are set forth in the mimeographed copies which have been handed to Defense Counsel.

BY MR. ANCHAN:

Q Dr. Struss, do I correctly understand your testimony then to be that you treated and considered these plants that were listed in the auditor's report as being operated by Verwert Chemie and as being plants belonging to Dynamit A.G.?

A No. I didn't judge them at all, and you can see that quite easily from three pages I put in which are contained in the book. The third of these pages has my own manuscript notes on it and concerns the two plants, Nuernberg and Stadtl of the Dynamit A.G. The two other pages concern the employees of the Dynamit A.G., the turnover of the Dynamit A.G., the distribution of the turnover of the Dynamit A.G., among the various fields, investment values and depreciations of the Dynamit A.G., nothing else, and these things contained in these three pages I remember with absolute clarity; but you will not expect that when I received 250 such books every year that I will remember them all with all their contents for ten whole years.

I must make a correction here. There is a misunderstanding. TEA is being mixed up all time with the TEA Office, and all the other reports of the affiliated firms which were handled by TEA had to pass through my hands because with regard to all new demands for factories and installations, I had to make reports to the TEA. You will understand that I could not report on the subject without having certain data about the plants, and this was the purpose why every year such a mass of document books was sent to me. The knowledge I gathered from them and what I remember very well from them are these three pages I myself put into this book. As for the other things that are in it, they are from my memory.

Q Dr. Struss, does that document, Exhibit 2311, NI-15062, refresh your recollection of the fact that you transmitted that document to Basch, Gajewski and Zefi?

A No, that is not correct. I did not send this document on. This document was kept in the TEA Office. From the heading you read out I think it is certain that Geheimrat Basch, Dr. Gajewski and Dr. Ilgner also received copies.

What these gentlemen did with the books, of course, I can't say.

Q Now I show you, Dr. Struss, NI-15063 which we offer in evidence as Prosecution Exhibit "2311". Now that is an auditor's report as of 31 December 1936 of the firm belonging to Dynamit A.G., and again I call your attention to the fact that on page 2 your initials appear, do they not?

A Yes, certainly. I received these reports annually and do not deny having received them, as my affidavit says.

Q And this report is marked "Secret", is it not?

A No, not that I know of.

Q Will you please look at page 2.

A Yes. Yes. Yes, it is described as secret, but that was an internal -- that is, I.G. -- secret, not the kind of secret that was introduced by the official agencies later.

Q Now then this auditor's report for 1936 and DAG also is addressed to Dr. Pasch, Director Gajowski, the offices of the Technical Committee, ZEFI -- or the Central Finance Department in Berlin -- is that correct?

A Yes. The same addressed were repeated every year.

Q Now would your testimony with respect to this document, Exhibit 2312, NI-15063, the auditing report for the year 1936 of Dynamit A.G. referring to Verwert Chemie, be the same as your testimony with respect to the prior document, Exhibit 2311?

A Yes. I see that there is a special enclosure were on the righthand side the bookkeeping department wrote down "V. R. W.", and a lot of other letters. That is meant to refer to the Verwert Chemie, but there are no details.

Q Do you see in this document under "General Remarks" a reference to the fact that Verwert Chemie was organized in February 1934 and that its entire stock was owned by Dynamit A.G.? Do you see that in the report?

A Yes. It is certain that you see it in the report, but it didn't pass into my conscious mind, and I doubt whether I even read these

things because I was in no way concerned with them and never at that time understood that this was a large company which afterwards, as far as I know -- during the war and before the war -- spent about two billion on construction. If anybody had told me at that time, I would undoubtedly have paid some attention to this report, but as it was, it was of no interest to me, and you will understand that I never went all through these fat volumes but that I only took out those documents I needed in order to report to TEA with regard to credits.

MR. ARCHER: I am informed that the record may not be entirely correct, and I take this occasion to correct it. NI-15063 has been offered in evidence as Prosecution Exhibit 2312.

Q Now, Dr. Struss, is it not a fact that from the period of 1933 to 1939 the TEA Office in addition to other Farben officials regularly received quarter-annual turnover figures of Dynamit A.G. showing the breakdown for gunpowder and explosives, isn't that the fact?

A Yes, that is correct.

Q And is it also not a fact that during the same period of time in addition to quarter-annual reports the turnover figures of Dynamit A.G. the TEA Office, in addition to other Farben officials, received semi-annual reports with a breakdown of DAG's turnover indicating the figures for gunpowder and explosives?

A The quarter-annual reports were always used by me for my statistics. The semi-annual reports I can't remember at the moment. As far as I know, I referred to the quarter-annual reports and the annual reports; but if you permit, I would like to make a correction. Unconsciously just now I said something that is not absolutely correct which concerns this matter. May I just correct that? This report which mentions Verwert Chemie I never saw.

Q One moment please. Are you referring to what document? Could you identify it by the NI number?

A The number? NI-15063.

Q That is Exhibit 2312. Go right ahead.

A Yes. This report was in my office; that is certain, but I didn't read it. This is shown quite clearly by my initials. I most certainly read through this other report and I have marked it in various places inside, but in this one here I obviously only read the extract. Herr Denker, head of the central bookkeeping department, at my request to facilitate my work every year made an extract form, and that is what I am holding up here. It is contained in the front, and I countersigned it and read it, but the report as a whole as it is contained here I most certainly did not read because in the report I don't find the initials which I always normally put inside the report as well. These bits of paper which have been added and which have been fixed in subsequently were handed to me loosely every year by Herr Denker together with the full report, and if I was very busy, I only read Herr Denker's extract and not the whole report.

Q Now a moment ago I asked you about the quarter-annual and semi-annual reports of Dynamit A.G. and the fact that those reports show the breakdown of gunpowder and explosives. Now I show you, Dr. Struss Document NI-13566 which we offer in evidence as Prosecution Exhibit 2313. That will be Exhibit 2313 for identification only. I ask you first to look at the covering sheet, Dr. Struss, and tell me which Farben officials received these quarter-annual and semi-annual reports of Dynamit A.G.?

A Yes. That is all right. These were the papers from which I compiled my statistics. They are addressed to Dr. Ter Meer and not to me, but if I remember rightly, they did not reach Dr. Ter Meer, at all but came to me personally from Herr Denker.

Q Now in addition to being addressed to Dr. Ter Meer, is it a fact that these reports were also addressed to the following people: Dr. Basch, Dr. Schmitz, Dr. Gajewski, Dr. Hoerlein, Dr. von Knieriem, Dr. Krauch, Dr. Schneider, Dr. von Schnitzler and Dr. Mann, is that correct?

A According to this list it is not quite correct. Perhaps you have another year from the one I have here. If it is important, may I just read the gentlemen I have mentioned here? There are different names here in part. Herr von Knieriem is not mentioned here. I did understand you correctly: you did mention Dr. von Knieriem, didn't you? He is not listed here.

Q You are reading from a report covering the year 1937?

A Yes, 1937.

Q Well, that is right. I was reading from a report covering 1938. You go right ahead.

A Yes.

Q Now except for Dr. von Knieriem all the other gentlemen I read received those quarter-annual and semi-annual reports of Dynamit A.G.?

A Yes.

Q Now, then Dr. Heinbrunn has shown you certain portions of that document. Now could you please tell me if that document, Exhibit 2313 for identification, refreshes your recollection of the fact that in those quarter-annual and semi-annual reports of Dynamit A.G. there was contained a detailed breakdown of its gunpowder and explosives production and turnover?

A Yes, it was contained in it.

Q Now, Dr. Struss, just another question on Exhibit 2313 for identification. Does that document refresh your recollection that for the year 1938 special mention is made of the turnover figures for Verwert Chemie with respect to gunpowder and explosives?

A No. From before the war I can't remember the name "Verwert Chemie" at all for the simple reason that it just didn't mean anything to me, and you see that in these turnovers Verwert Chemie is not mentioned. Oh — Oh, there is an abbreviation here, the initials including Genschow group and company for the processing of chemical products, "Gesellschaft fuer Verwertung Chemischer Produkte."

It certainly didn't strike me just now that that was contained here. It is not a very considerable sum either, because it is a summary of the whole Geneva group. I have known the Geneva group for a long time, and that meant something to me.

Q It is a fact though, is it not, that in Document 2313 for identification and the turnover reports of DAC for the year 1938 there is mention of the turnover and breakdown for Verwert Chemie? That is the fact, is it not?

A Yes. I see it for the first time now that the name "Verwert Chemie", although in a different form -- that is, abbreviated and not as "Verwert Chemie" -- is contained here. This name has become a household word like "I.G.", but under the name "Verwert Chemie" -- but here it says, "Gesellschaft fuer Verwertung Chemischer Produkte", and not in the other form. At any rate, I must stick to my statement that I was not conscious of what was the matter at stake here.

MR. MACFARLANE: Now we have no further questions, but just before I leave the witness, I would just like to recapitulate for the record to make sure there are no errors just what was offered in evidence and what was offered for identification. As Prosecution Exhibit 2307 in evidence we have NI-14236. As Prosecution Exhibit 2308 for identification only we have NI-14233. As Prosecution Exhibit 2309 in evidence we have NI-14232. As Prosecution Exhibit 2310 for identification only we have NI-14234. As Prosecution Exhibit 2311 in evidence we have NI-15062. As Prosecution Exhibit 2312 in evidence we have NI-15063. As Prosecution Exhibit 2313 for identification only we have NI-13566; and with that we conclude the cross examination of this witness.

DR. BORNEMANN: Bornemann. I only have a few brief questions.

REDIRECT EXAMINATION

BY DR. BORNEMANN:

Q First of all with reference to Exhibit 37, Document 51, you said this morning, Dr. Struss, in answer to the Prosecutor's questions that the figure of 181 million in expenditures for new installations for

1936 is correct, but that apart from that another 189 million may have been granted by TEA for further building. Is it correct if I understood you to say that these 189 million appear in your affidavit, 37, for the later years?

A Yes. I think I said that the expenditure of one credit on the average was spread out over three or four years so, of course, we had to make out our reports accordingly.

Q I now come to Exhibit 43, ter Meer Document No. 57, which you will find on page 7 of the third ter Meer document book. You were asked whether in addition in a special sphere there was not a list containing some 150 products. This is a list which is supposed to have been made out by Herr Flotow. Is it correct that this list only contains organic products, or does it not also contain inorganic products, for instance theonil-chloride and benizium tetra chloride?

A That is correct. I think these products are also on the list.

Q Can you say whether any further inorganic products were listed?

A No, I can't say for certain. The list was to a large extent illegible and I am not sure whether there are other inorganic products here on it. Most of them certainly were products sold by Herr Flotow. That is why I said that this list and the name special sphere certainly originated with Herr Flotow, but I was not told or asked to comment on the various items of the list and so I didn't do so. We counted then there are 133 products.

Q Yes, you said that this morning, but perhaps you could give more details, Dr. Struss, whether as early as 1936, '37 these 133 products were being produced. I think you said this morning that this was not the case.

A First of all, it is not the case and secondly, I would like to warn you against supposing that in all cases these products must have been of a war essential character. There are quite harmless, intermediate products among them, for instance anilin. Anilin was also used as a preliminary product for centrality, that is, for stabilizers, but I saw, I think the list begins with F.E. Dynamite which is an absolutely harmless product. Then I saw that in the case of a number of products, no entries were made all through these years, but I didn't take any particular notice of the years '36, '37 and '38.

Q These empty spaces, do they predominate in the early years? Can you tell something more about that?

A Yes, that is certain. In the years '36, '37 and '38 there were certainly more empty spaces.

Q But you can't give any figures about that?

A No.

Q Are there quite small quantities and kinds among the sums contained, less than 100 kilograms?

A There are quite tiny sums among them. I was quite surprised when I looked at the list to see that in some cases they were quite small quantities.

Q Thank you. Now I pass to Ter Meer Document 61 Exhibit 47. Here I have only one question. Counsel for the Prosecution with reference to the newly developed fields repeatedly mentioned strategic products and you once briefly stated that this description is not quite correct. Can you explain that to me a little further. I think the four products were metal, B una, synthetic rayon, and cellulose which are especially noted in the upper right hand corner.

A With reference to gasoline, we know that the gas production

of I.G. was begun in 1927 and '28.

Q May I put an intermediary question. Why does not the chart show this?

A The chart does not show this because these quantities were so infinitesimal that it was hardly possible to enter them in this large chart as you will see, the gasoline production in 1931 appears for the first time, but in a very small amount.

Q So the development had been going on for years before it was entered for the first time?

A In about 1928 gasoline production began at Leura.

Q Thank you. Was it similar in the case of the other products?

A Just the same, for instance, you see metals are listed for the first time in 1933 and you see the trend in the preceding years. In the First World War too, magnesium and aluminum were being produced, but in small quantities and the development to bigger products only begins in the years after 1933 while in the case of gasoline it began in about 1928 and in the case of cellulose it began in approximately 1934.

Q These are all the questions I have about this document. I have one more question about Exhibit 36, Ter Meer Document 65. In connection with this Exhibit 36 the Prosecution submitted its Exhibits 2311 and 2312. Did you, Dr. Struss, submit these reports to Dr. Ter Meer or did any other of the employees of the TEA office submit them to any other I.G. Employee?

A Never. To the best of my knowledge, I never submitted these reports to Dr. Ter Meer. It would have been quite impossible to do so anyway. Dr. Ter Meer would not have received anything of this kind from me because he simply wasn't interested. I don't even think that Dr. Ter Meer knew any data about the turnover but I think that occasionally, perhaps once a year, I submitted these total turnovers to him, but not in a detailed form, but only in the concise form for all products and all firms of I.G. which were handled by the TEA office or shall we put it

this way, all reports from firms and all turnovers of firms who were submitting their credits. I had all this on one turnover sheet in a very concentrated form. I think it is before the Court and these total turnovers are occasionally very rarely submitted to Dr. Ter Meer. That is all.

Q And the quarter-annual and semi-annual reports which you received, did you submit those to Ter Meer?

A Not as far as I remember, never. As far as I remember I only occasionally submitted to him reports covering a whole year.

Q Thank you.

DR. BORNEMANN: No further questions.

THE COMMISSIONER: Are there further questions by the Prosecution?

MR. AMCHAN: No further questions.

THE COMMISSIONER: When shall we adjourn to?

MR. AMCHAN: We have a hearing scheduled for tomorrow at one-thirty. The witness Zone, Dr. Christian Zone will be present.

THE COMMISSIONER: You don't know what defendants will want to be called?

MR. AMCHAN: Dr. Mueller, the administrative assistant for the Defense usually looks after him and advises the interests of the defendants. Beyond that I can't advise the Commissioner.

THE COMMISSIONER: The Commission will take a recess until one-thirty tomorrow afternoon.

(The Commission recessed until 1330 hours, 14 April 1948.)

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